

COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON THURSDAY, MARCH 9, 1989

VOLUME 25

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CHARLES FRANCIS, Recalled.

--- EXAMINATION BY MR. FUTERMAN: (Cont'd)

5

THE COMMISSIONER: Mr. Futerman.

10

MR. FUTERMAN: Yes, Mr. Commissioner. I want to start off by saying that if Mr. Dolegiewicz or any of his family or friends were watching, I apologize for not being able to pronounce his name properly yesterday. I have been practicing it and I believe Dolegiewicz is the proper pronunciation, and I hope that I can refer to it again properly.

15

THE COMMISSIONER: All right. Thank you.

BY MR. FUTERMAN:

20

Q. Mr. Francis, I just want to clear up something that occurred yesterday that was towards the end that I was perhaps and you were perhaps a little bit unsure, and that is the number of years that Dianabol pills that were purchased from Mr. Dolegiewicz was being used. I think your best recollection was that the batch that was purchased either in 1980 or 1982 was used somewhere around 1984 to 1986. Is that your evidence yesterday?

25

A. No, the last use of Dianabol was in the

spring of 1984, in tablet form.

Q. All right. Well, upon reviewing some of the evidence that I believe we heard, it appears that last Thursday when you were talking about the program that Angella was on, and perhaps I misunderstood, you said and we are talking now about 1988 and perhaps I can refer you to the exact words you used, "she was doing Dianabol for a couple of weeks, first at 5 milligrams a day and then switching over --"

10 MR. McMURTRY: Excuse me, what page is that?

MR. FUTERMAN: The testimony I believe is at 925. I am reading from my notes.

MR. McMURTRY: I see, thank you.

15 THE COMMISSIONER: What year are we at now, Mr. Futerman.

MR. FUTERMAN: This was I believe in 1988, the spring of 1988.

20 THE COMMISSIONER: Do you have it? Do you have the transcript? You have taken these from the transcript, have you, Mr. Futerman?

MR. FUTERMAN: Yes, these are my own notes, Mr. Commissioner.

THE COMMISSIONER: Fine.

BY MR. FUTERMAN:

25 Q. We can refer to the actual pages.

"... that she was slightly on a different or a modified program."

A. That's correct.

Q. You just tell me if this is the wording
5 that you recall. "She was doing Dianabol for a couple of
weeks, first at 5 milligrams a day then switching over to
the injectable for the last --" and you were then asked by
the Commission where she got that. And you stated, I
believe, that she still had some from the original batch
10 that is the 200 in 1980 and the 500 in 1982 from Bishop
Dolegiewicz. You said there wasn't a lot left, but still
enough from the tablets required.

A. Yes, that's my understanding.

Q. So that in fact she was still using some
15 of that Dianabol that was purchased way back 1980 and 1982
in 1988?

A. It was purchased in 1982, yes.

Q. Yes, so that would be six years later?

A. That's my understanding, yes.

Q. Yes, all right. Well, I had the
20 impression yesterday that you thought all of that had been
used by 1984 or 1986?

A. No, I was talking about the protocol for
Mr. Johnson, which I thought you were referring to.

Q. No, I was talking about the use by any of
25

your athletes of non-prescription drugs or perhaps prescription drugs, I am not sure, that you purchased from Mr. Dolegiewicz back in 1980 or 1982. And we were talking about whether or not you were aware that most drugs have an expiration date?

A. Yes, I am aware of that.

Q. All right. And that you had no idea how long these particular drugs had in so far as its lifetime was concerned?

A. Or if indeed they had expired.

Q. That's right, but you had no idea?

A. No, that's correct.

Q. In retrospect, I guess it would have been wise to have checked that?

A. In retrospect, that's true.

Q. Yes. All right.

A. If in fact there was a label available, will which I am not sure.

Q. But surely there had to be other ways to inquire as to what the -- how long one should use these tablets that were purchased back in 1980 or 1982. Did you not at least think about making inquiries?

A. Yes, I did. In fact Dianabol may lose potency, but it does not change chemically in such a way that it develops problems from expiry, such as say

tetracycline or some others.

Q. Are you saying that Dianabol tablets do not have an expiration date?

5 A. Yes, they do, they lose potency. So, in other words, they are less harmful side effects if indeed you believe there are any because the pills are less potent.

Q. Who told you that?

A. I talked to doctors about it.

Q. Any particular doctor?

10 A. Dr. Astaphan.

Q. I see. All right. Now, you told us, Mr. Francis, how important it is to keep monitoring an athlete who is on a steroid program because the training and the use of steroids go hand and hand; is that correct?

15 A. Yes.

Q. So that at all times, you had to make sure your athletes were taking the prescribed dosages of Dianabol. How did you, in fact, monitor this?

A. By what they told me.

20 Q. And if any of your athletes threw any of the pills out from time to time, that's not something you would know about?

A. No, not necessarily, that's correct.

Q. All right.

25 THE COMMISSIONER: I think he's testified

that his athletes would tell him whether they were on the protocol or not.

MR. FUTERMAN: Yes.

THE COMMISSIONER: Isn't that what you are
5 saying?

THE WITNESS: Yes, that's correct.

THE COMMISSIONER: And then that would help him plan their training program. And in that respect, he would be relying on what the athletes told him.

10

BY MR. FUTERMAN:

Q. All right. I find it somewhat surprising that -- at that time I gather you were in charge of the steroid program?

15

THE COMMISSIONER: Mr. Futerman, I made this point before, and I am not -- whether you are surprised or not is not really relevant for my assistance. The question you put, "I find it surprising...", I think you should put the question to the witness. Whether you are surprised or
20 not, really is not very important to me.

MR. FUTERMAN: Thank you, Mr. Commissioner.

THE COMMISSIONER: I made the same point with the other counsel.

MR. FUTERMAN: That's fair. Thank you, sir.

25

By MR. FUTERMAN:

Q. You were in charge at that particular time, we are talking about 1981 now, of the anabolic steroid program for your athletes; is that correct?

5 A. That's correct.

THE COMMISSIONER: What year is this now?

MR. FUTERMAN: 1981, sir.

THE WITNESS: The fall of 1981.

10 BY MR. FUTERMAN:

Q. Yes. You were the one that was determining the cycles that these athletes were to go on?

A. On the basis of the information available to me, yes, that's correct.

15 Q. All right. But I understand that at that particular time or sometime during the 1981 or perhaps the early '82 year, Angella Issajenko changed her program and that was after she had a discussion apparently, allegedly, with Bishop Dolegiewicz. I thought you made the
20 decisions for the group. Why was it that Mr. Dolegiewicz was able to tell Angella Issajenko what kind of cycle or what kind of program to go on?

A. Sir, I believe that the point of this is that the athletes themselves were participants and were
25 aware individuals and were making choices. And, indeed, in

Ms. Issajenkos's case, she got the best information she could. She decided that indeed she wished not to go on a cycle of steroids in the fall, but rather to concentrate the cycle in the spring. That was her desire and it was based
5 on considerable discussion.

Q. Discussion with you or with Mr.
Dolegiewicz?

A. With Mr. Dolegiewicz and myself.

Q. The three of you met and discussed this
10 together?

A. No, she met with Mr. Dolegiewicz
separately and later discussed it with me.

Q. I see.

A. And that was her desire.

Q. You didn't disagree with that?
15

A. No, I did not.

Q. That's because you considered Mr.
Dolegiewicz to be an expert?

A. Yes, I did.

Q. And what qualifications in your mind did
20 one have to have to become an expert in the administration
of anabolic steroids?

A. To have experience in the use of anabolic
steroids, and to have the widest possible range of
25 discussions with those who in fact are proscribing or

administering steroids.

Q. What qualifications were you aware of that Mr. Dolegiewicz had --

THE COMMISSIONER: Just to clear up my own timing, was this after Ms. Issajenko went to California or before are you talking about.

MR. FUTERMAN: This is before she went to California?

THE WITNESS: This is before, yes.

THE COMMISSIONER: Okay, thank you.

MR. FUTERMAN: Before she saw the U.S. doctor, that's what we are referring to, yes. Sorry.

THE COMMISSIONER: Okay. Thank you. I interrupted you. I am just trying to get the chronology here because we have got so many dates going back and forth.

BY MR. FUTERMAN:

Q. This would be in 1981. We are still talking about sometime in 1981?

A. A discussion in the fall of 1981.

Q. Yes. I think the question I asked you, Mr. Francis, was what was it that Mr. Dolegiewicz had that qualified him as an expert in the administration of anabolic steroids?

A. He had considerable experience in dealing

with athletes, with doctors, and others involved in the administration of anabolic steroids.

Q. Well, can you be more specific?

A. No, I can't.

5 Q. So that you just assumed he was an expert or was there something more to it that you have now forgotten?

A. No, I haven't forgotten anything in that area. Mr. Dolegiewicz was considered an expert by many in
10 the field. And, indeed, in Canada was considered the most knowledgeable individual.

Q. Well, I find that somewhat surprising in --

MR. MCMURTRY: Here we go again.

15 MR. FUTERMAN: All right, all right.

THE COMMISSIONER: Well, please -- that surprising business, is, you know, really of no help.

MR. FUTERMAN: Mr. Francis -- thank you, sir.

20 MR. FUTERMAN:

Q. Mr. Francis, you started talking about in 1981 that all of Canada acknowledged -- or many people in Canada acknowledged Mr. Dolegiewicz as an expert. That's a rather general statement. It's not the kind of subject that
25 you would be discussing with too many people.

THE COMMISSIONER: I am sure he is talking about the field of those that are using it, Mr. Futerman. You and I weren't involved in that.

MR. FUTERMAN: I know that, sir.

5 THE WITNESS: That's correct. The athletes who indeed were using steroids, who were talking to me, and the information that I was able to obtain from Mr. Dolegiewicz, that's correct.

10 BY MR. FUTERMAN:

Q. Well, if he was such an expert, and if you had such a close relationship as you apparently had with Mr. Dolegiewicz at that time, why didn't you have him speak to your athletes instead of you speaking to them about the use of steroids?

15

A. On occasions he did speak with my athletes.

Q. Who did he speak to?

A. Many times. He spoke with all of them at one time or another, with Angella Issajenko, Ben Johnson, Tony Sharpe, and Desai Williams.

20

Q. Were you present?

A. On some occasions, yes, I was.

Q. And what did he say, to whom?

25 A. He had general conversations about

steroids on numerous occasion, in South America, in Europe, the World Cup in Rome, Ciudad Bolivar in Venezuela, and on other occasions where they would meet.

5 Q. He was telling your athletes, I gather at that time, that the use of anabolic steroids was pretty widespread?

A. Yes, he would certainly confirm that.

Q. All right. Now --

10 THE COMMISSIONER: Would he discuss the effect or the amount they should take, and was he sort of giving his experience? What would he be talking about?

THE WITNESS: Well, primarily he was talking about the concept of cycling. He talked about clearance times, he talked about his experience in the --

15 THE COMMISSIONER: The clearance time that is before a test?

THE WITNESS: Yes.

THE COMMISSIONER: When you speak of clearance time, you are speaking in relation to --

20 THE WITNESS: I am indicating the clearance time between the cessation of the drug and the date of the test.

25 THE COMMISSIONER: So that he would explain if you took the drug you would have to stop within a certain time before the meet, is that what you are saying?

THE WITNESS: Yes.

THE COMMISSIONER: All right.

BY MR. FUTERMAN:

5 Q. This was in 1981 that --

A. In '81 and subsequent years.

Q. Pardon me? And subsequent years as
well --

10 A. In '81, and subsequent years and with me
prior to that.

Q. When you say he spoke to Ben and you were
present, when did that take place?

A. In 1981 in Rome.

15 Q. Was that before Ben embarked allegedly on
this steroid program?

A. Yes, it was.

Q. All right. And do you recall what
discussions specifically the two of them had?

20 A. Primarily discussing the fact that
athletes in general were on them, but no specific discussion
about anything he should do.

Q. Where did this discussion take place?

A. In Rome.

25 THE COMMISSIONER: Was that the time you
discussed about clearance time and so on?

THE WITNESS: No, not on that occasion.

THE COMMISSIONER: Well, there were several occasions here, Mr. Futerman, I think --

MR. FUTERMAN: You are quite right. Let's
5 see if we can specify --

THE COMMISSIONER: Let's get one of the times so we will get the whole --

BY MR. FUTERMAN:

10 Q. The first time that Mr. Dolegiewicz spoke to Ben about anabolic steroids, where was that?

A. I believe that was in Rome.

Q. And what date was that?

A. It was at the World Cup in Rome. That
15 would have been in late August.

Q. Late August of 1981?

A. Yes.

Q. And who was present?

A. Ben was, I was, Bishop was.

20 Q. Anyone else?

A. Not to my knowledge, no.

Q. Where did the discussion take place in Rome?

A. At the hotel where we were. They had a
25 hotel which was the meet headquarters for all nations. They

called it the -- I can't remember the name.

Q. How did this meeting take place, at whose invitation?

A. It was just a general discussion in which
5 Ben happened to be present. I had many discussions with Mr. Dolegiewicz at that point.

Q. Had you invited Mr. Dolegiewicz to come to this particular meeting with Ben so that he could help persuade you that Ben should get on this program?

10 A. No, I did not.

Q. You did not. All right. How long did this particular discussion take place?

A. 10 or 15 minutes, I assume.

Q. And did all three of you talk?

15 A. Yes.

Q. And what did Bishop say to Ben?

A. He just mentioned the fact that he believed that it was widely used by sprinters and as well as by throwing-event athletes.

20 Q. What did Ben say to Mr. Dolegiewicz?

A. Not very much.

Q. No. Did he say anything?

A. Yes, he was just general, but he never indicated any desire to or not.

25 Q. Do you remember any specific question or

comment that Mr. Johnson made at that time?

A. No, I do not.

Q. So that just to clarify this further, Angella had a cycle that was prescribed by a doctor initially, or was that first cycle prescribed by yourself after meeting with the doctor?.

THE COMMISSIONER: I am not clear at the moment whether --

MR. FUTERMAN: Back in 1980-79.

THE COMMISSIONER: -- Mr. Johnson was present at any other times with Bishop Dolegiewicz and yourself and the other athletes. Was that later?

THE WITNESS: At later dates, yes.

THE COMMISSIONER: I see.

MR. FUTERMAN: Perhaps we can deal with that --

THE COMMISSIONER: All right. Fine.

MR. FUTERMAN: -- as a we go along, sir.

BY MR. FUTERMAN:

Q. Was there any other meetings, perhaps to clear this up, with Mr. Dolegiewicz where Mr. Johnson was present prior to Mr. Johnson embarking on a steroid program?

A. No, there were not.

Q. All right. So that getting back to

Angella Issajenko, in 1979 the first time she got on a program, an anabolic steroid program, it was after a meeting with the doctor, and he prescribed the cycle?

A. Yes, he did.

5 Q. And then did you change that cycle at any time before Mr. Dolegiewicz apparently suggested a change in the cycle?

A. No.

10 Q. All right. And then we have Mrs. Dolegiewicz -- Mr. Dolegiewicz prescribing a change in the cycle to Angella Issajenko?

A. Yes, that's correct.

15 Q. All right. Now, Stanozolol was introduced in the 1982 by Mr. Dolegiewicz, allegedly, to replace the Dianabol?

A. For a short period of time, yes.

Q. All right. And you went along with this because Mr. Dolegiewicz was the expert --

A. Yes.

20 Q. --as far as you were concerned?

A. That was my impression.

Q. And he advised you that from his perspective, and his knowledge, Stanozolol was a milder -- milder tablet or pill or drug than Dianabol?

25 A. Yes, that was his impression and also

that it had less fluid retention.

Q. Which was it --

A. Both.

5 Q. -- was it the fact that it had less fluid retention?

A. Both.

Q. Does that mean it had a lesser clearance time?

10 A. Well, we didn't differentiate between clearance time.

Q. When you talk about less fluid retention, what's the significance of that?

15 A. There is less stiffness for an athlete. That's the reason why in a major competition an athlete would not wish to have steroids present in his system because he would wish to be as flexible and loose as possible, and, therefore, this would be contraindicated.

20 Q. So that when Mr. Dolegiewicz told you that it was a milder prescription or drug, you accepted that?

A. Yes, that's correct.

Q. You didn't ask any doctor at that time whether he was correct?

A. No, I did not.

25 Q. All right. And you then had your

athletes go on a Stanozolol anabolic steroid program for a period of time?

A. Yes, for a very short period of time, yes.

5 Q. And as a result of them taking Stanozolol, what period of time are we talking about now? What month, can you help us?

A. It would have been at the end of July, beginning of August, immediately post national
10 championships, until prior to some competitions in Europe.

Q. Of 1982?

A. Yes, I might point out that the competitions in those days were not tested in Europe and therefore clearance times were not a factor.

15 Q. Now, what did -- I gather you called your athletes in individually or as a group. Can you tell me how they came together to get the Stanozolol from you?

20

25

A. I believe individually.

Q. Individually. And who provided you with the supply of stanazolol?

A. Bishop, Mr. Dolegiewicz.

5 Q. And what kind of quantity did you get from Mr. Dolegiewicz at that time?

A. I believe 100 tablets.

Q. And how did you divide them among the athletes, as best you can recall?

10 A. I divided them from the bottle and gave them enough to go through a short period of time.

Q. All right. And I believe the colour of these drugs were pink? The tablets were pink?

A. Yes, that's right.

15 Q. Is that your recollection?

A. That's my recollection.

Q. And you gave Ben his bottle?

A. I gave him a supply. I'm not sure whether I had a bottle for them or how I divided them up.

20 Q. You just handed ---

A. It could have been in an envelope.

Q. It could have been in an envelope?

A. Yes.

Q. Without any label on it?

25 A. No.

Q. All right. You told him this is stanazolol?

A. I told him it was Winstrol

5 Q. You told him it was Winstrol. All right. Of course, you told him this was a banned drug?

A. Yes, and I also made it clear that the same would apply to the Winstrol as would apply to Dianabol, that indeed he couldn't take it within 28 days of the tested competition.

10 Q. In any event, this was a period of time that you weren't able to monitor their use because I believe they were going to Europe?

A. I was going as well.

Q. Pardon?

15 A. I went with them.

Q. You went with them but were you monitoring the use of steroids during the period of time that they were in Europe?

A. Not over a two week period, no.

20 Q. No. And I understand that after 7 or 8 days of use of stanazolol, the boys became stiff?

A. Yes, that's correct.

Q. Was that surprising to you?

25 A. It surprised me, yes, that they would be stiffer than they had been on Dianabol tablets.

Q. So, that is it fair to say, Mr. Francis, that the side effects of using stanozolol at that time was something that you and obviously Mr. Dolegiewicz did not know, one of the sides effects, and that is becoming stiff?

A. If you would suggest that stiffness is a side effect of a drug.

Q. Well, would you see it as a positive reaction to a drug?

A. Again, it's dependent upon event. In other words, it might not be noticeable in an athlete who indeed was a thrower or a lifter or so on.

In the case of a sprinter, any stiffness whatsoever is significant.

Q. It's not positive? You weren't happy about it, surely?

A. Not for the performance, no.

Q. It wasn't just one athlete that became stiff, all of them became stiff?

A. That's correct.

Q. Did you discuss this with Mr. Dolegiewicz as to why he didn't tell you this was a possible side effect of the use of stanozolol?

A. No, I did not.

THE COMMISSIONER: Did you discuss it with

the athletes what you thought was why they became stiff?
Did they discuss it with you.

THE WITNESS: Yes, they did and I believe
after approximately ten days or so, they ceased the use of
5 the stanozolol. They were to take it about two weeks so.

THE COMMISSIONER: Would each athlete
discuss with you the problems they were having with this
particular drug?

THE WITNESS: I believe I talked to all of
10 them simultaneously and asked them if -- initially, I was
hearing this from Angella and then I asked the others if
they felt stiff at all and they said they felt somewhat
stiff. So I asked them all to stop taking them from there
on in.

15 THE COMMISSIONER: Who was they, at this
stage, because you've got a group of athletes.

THE WITNESS: Desai Williams, Tony Sharpe,
Ben Johnson and Angella Issajenko. At that time we were
in Berne, Switzerland.

20

MR. FUTERMAN:

Q. Did they say they were getting stiff
because they were using the Winstrol or stanozolol or did
they simply say we are getting stiff? I guess they could
25 have thought it was from the training?

A. Yes, they simply said they were stiff.

Q. Sure. And you came to your own conclusions as to why?

A. That was my suspicion, yes.

5 THE COMMISSIONER: Also, did you discuss that with them or not?

THE WITNESS: Yes. And I suggested that they stop at that time. Also, we were investigating if indeed they were taking calcium supplements which
10 sometimes can be a contributing factor in stiffness, because in Europe they don't drink much milk and so on because of the dietary changes.

MR. FUTERMAN:

15 Q. Were they also doing any weight training in Europe at that time?

A. On occasion, yes. But the facilities, obviously it's dependent on location and so forth.

Q. I assume the athletes get stiff
20 sometimes from just doing their weight training?

A. Potentially, yes.

Q. In any event ---

A. And I might add also, the racing schedule, when they're racing they may have competitions
25 very close together and so forth.

Q. All right. In any event, Desai Williams allegedly decided to discontinue his steroid use for the track and field season 1983 which starts in the fall of 1982?

5 A. That's correct.

Q. He came to see you about that. How did that evolution occur?

A. Yes, he came to talk to me about it.

10 Q. I think -- I believe your evidence was that he felt that the use of steroids was contributing possibly to an injury that he had suffered?

A. He felt that he might have strained his hamstring in an indoor meet in Sherbrooke as a result of stiffness.

15 My personal belief was that, in fact, he had had too much high speed running, too close to the meet. This was what convinced me that they required more rest periods. He had wanted to break the world record in his competition and had trained at a high speed too close into
20 the competition.

Q. That was your opinion. Obviously, Desai did not agree with that opinion?

A. Yes, that was his feelings.

Q. You had a difference at that time?

25 A. Yes, that's correct.

Q. Did you have an argument?

A. No.

Q. No, okay. By 1983, Desai then was off
steroids. Was that the year that Molly Killingbeck also
5 went on steroids?

A. No, she did not. She stayed off
steroids in 1983.

Q. Until 1984?

A. That's correct.

10 Q. All right.

A. And I might point out that Desai
Williams was free at any time to stop taking steroids, as
was Ben or any of the other athletes. They were free to
take them or not take them at their choice.

15 Q. But when he stopped taking steroids,
did he also leave your program completely?

A. No, he did not.

Q. How long did he stay with you as coach?

20 A. He stayed until the end of the year
and, in fact, he had a good season.

Q. Yes?

A. But he left you and your group at the
end of 1983?

A. Yes, he did.

25 Q. Along, I believe you said, with Mark

McKoy?

A. Yes, he did.

Q. And the following summer Molly
Killingbeck left your group as well for a period of time?

5 A. In the end of the Olympic year.

Q. 1984?

A. The end of the Olympic year.

Q. Well, when you talk about Olympic year,
I know there was Olympics in 1984?

10 THE COMMISSIONER: I guess it would be after
the Olympics?

THE WITNESS: Yes.

MR. FUTERMAN:

15 Q. After the Olympics in 1984?

A. Yes, that's correct. But our dispute
was over training methods and I believe I've entered that
in evidence that my belief was, and continues to be, that
you must train for the number of metres per second
20 involved in your event and then endurance is specific only
to that event. And so you need a lot of recovery and so
on.

Indeed, I believe that Desai followed that
program in '83 and in my opinion was very successful. He
25 felt that he needed a lot more endurance work and he

wished to do more work in the 300 metre and 400 metre range and I felt this would be contraindicated because the amount of energy he would use and the tightness that he would suffer because of it would interfere with the training that would be involved in maximum speed running.

Q. I guess what I want to find out, the fact that he left you, was that indicative of the fact that he couldn't agree to your coaching methods and you weren't prepared to adjust to what he wanted to do?

A. No, I wouldn't say that's so.

Q. All right. He left you -- did he indicate -- was that the only reason he gave you for leaving?

A. No, he felt that he had better opportunities to compete in Europe. He didn't feel that, you know, I was able to provide the entries into the competitions that the athletes should have had and so forth.

The program in 1983 also -- there was a discussion about where the athletes competed. We competed in four major international games in that year which, in retrospect was too many, and also precluded the possibility of them running in further European competitions which would have been more beneficial, obviously. Then ---

Q. Dealing -- I'm sorry, are you finished?

A. Then he would have had the chance to run in the Europe circuit if he hadn't entered the Pan Am Games, for example, or the summer games down in Los Angeles.

Q. In 1983, Angella was still investigating steroids or the use of anabolic steroids?

A. I beg your pardon?

Q. In 1983, was Angella Issajenko still investigating ways of improving the use of anabolic steroids by the athletes in your group?

A. Yes, she was.

Q. This is four years after she started using them?

A. Yes, she was; as was I.

Q. So by 1983, you introduced some new drugs into the program. One was growth hormone, L-dopa was another one, which I understand was a diuretic of some kind?

A. No. That was used only by Angella Issajenko.

Q. I don't know if that background noise is making it even more difficult to hear me?

A. It's just occasionally when the fan goes on.

Q. If you have trouble hearing me, let me know. Amino acids?

A. Yes, which are not banned substances.

Q. All right. Well, even at that time, growth hormones wasn't banned, in 1983?

A. That's correct.

Q. It was only in 1984, I understand, that they became banned?

A. That's correct.

Q. Just so that I understand, growth hormones in 1983 that was introduced to the group, was that liquid or was that pills or was that injected?

A. It was injected.

Q. Pardon?

A. Injected.

Q. That was a white fluid, I understand? It was a white substance of some kind?

A. Yes.

Q. Not very much unlike Furazabol or Dianabol when it came in a liquid form? The colour, it was very similar?

A. No, because it was a powder.

Q. Yes.

A. That was mixed with a distilled water and would be mixed at the time of administration.

Q. Were you aware of any side effects of growth hormones at that time in 1983?

A. No, at the time that growth hormone was introduced, Angella had gone and spent a considerable
5 amount of time talking with the doctor in question in the United States and the conclusion was that it was being widely used and that growth hormone had not had reported side effects.

Q. What about L-Dopa. Did you investigate
10 that?

A. Dr. Astaphan investigated that at a later time and he did not agree with the doctor in the United States and did not like its administration and, in fact, requested that Angella not take it any more.

15 Q. Angella did take it for a while?

A. Initially.

Q. What was the side effects of L-dopa that concerned Dr. Astaphan?

A. The stiffness associated with -- tended
20 to cause low back stiffness.

Q. And was L-dopa on the banned list?

A. No, it was not.

Q. So the growth hormones, L-dopa and amino acids at that time were not on the banned list?

25 A. That's correct.

Q. And the only one using L-dopa at that time was Angella Issajenko?

A. That's correct.

Q. All right. And I believe at that time as well, or about that time, a new drug was introduced and that was called Anavar which was an anabolic steroids?

A. To Miss Issajenko program, yes.

Q. Just to her program?

A. That's correct.

Q. What colour was that -- was that pills or a liquid?

A. They were tablets.

Q. Pardon?

A. They were tablets.

Q. All right. But no one else besides Angella used that?

A. That's correct.

Q. So she was using some pills and some other kinds of medication, some banned and some not. Was Anavar banned?

A. Yes, it's anabolic steroid.

Q. Yes. And others were using different kinds of programs at that time. So the protocol was different for Angella as opposed to your other athletes?

A. That's correct.

Q. Did that concern you, that they were on different programs at that time?

A. No, because the doctor in California had felt that -- he had felt that Dianabol, in fact,
5 responded in males and Anavar responded better in females.

Q. And how long did Angella stay on the Anavar program, as far as you can recall?

A. Throughout most of '84.

Q. And were you aware of any side effects
10 of Anavar?

A. No, I was not.

Q. Why did she stop using it?

A. She felt it wasn't as effective.

Q. In what way?

A. It didn't have the performance
15 enhancing effects that she had come to expect from Dianabol.

Q. All right. Did it become evident to you at this time, I guess by 1983, that there was a great
20 deal about the use of anabolic steroids that you did not know? I guess that's one of the reasons you brought Dr. Astaphan in?

A. Yes, indeed.

Q. You began, I guess, to get concerned
25 that all these new medications and drugs were being

introduced into the program and you really didn't have a handle on it. Is that fair?

A. Well, I wanted to have the situation under the auspices of one doctor that could be followed up better, the information would be easier to obtain from a
5 qualified source.

Q. All right. But were you concerned about all these new medications and drugs that were coming into the program that you knew so little about?

A. I would say that's reasonable, that I
10 wanted it under supervision if possible.

Q. And when Dr. Astaphan comes into the picture, it appears that Angella Issajenko once again is the reason that you come to meet Dr. Astaphan indirectly?

A. Yes, that would be.
15

Q. Was it she that suggested you see Dr. Astaphan?

A. No. We had both gone to a chiropractor who was treating her back. I had driven her to visit the
20 chiropractor who treated her quite often and he made the suggestion that he might be a good person to see, for follow up, to help with her sciatic nerve problems and her injuries.

Q. At that time -- what time are we
25 talking about, when you first met Dr. Astaphan?

A. It would be the fall of '83.

Q. Fall of '83. And who set up the appointment? Was it Angella or yourself?

A. No, the chiropractor set it up.

5 Q. But it was you and Angella that went to see Dr. Astaphan together the first time?

A. Yes, that's correct.

10 Q. And part of the reason, I think you said, was that Angella was having some other medical problems that required Dr. Astaphan's attention?

15 A. Well, her ischial tuberosity -- she had an injury in the hamstring that was up at the ischial tuberosity which is an attachment point for the muscles and it's not an easy area to diagnose because it's very difficult to know whether indeed there is an injury there, it's very deep, and also it's so often confused between the sciatic nerve pain being radiated, radiating down the leg, and any difficulty in the hamstring radiating upwards.

20 So, it's necessary to have a very good -- very expert diagnosis to the decide what course of action to take.

25

Q. When you first met Dr. Astaphan, did you discuss anabolic steroids with him?

A. Not in the initial meeting.

5 Q. All right, when was the next meeting you had with Dr. Astaphan and how did that come about?

A. Well, very shortly afterwards from continued treatment on Angella's leg.

Q. Did you discuss anabolic steroids at the second meeting you had with Dr. Astaphan?

10 A. I believe it was around that time that the subject came up that she was going to this doctor in the United States and so forth.

Q. This must have been a very difficult thing for you to do. I guess during the course of this meeting, you would have to admit that your athletes were
15 on a steroid program?

A. Yes, that's correct.

Q. And you had to be sure that you could trust this doctor's confidence?

20 A. Well, I don't think that's reasonable to say. It's difficult to bring it up because you don't know if, in fact, they will continue to treat you, but on the other hand, I don't think there is any difficulty in approaching a doctor to discuss such a subject because it
25 is necessary for a doctor to maintain conversations in

confidence.

Q. Were you concerned about telling the doctor that your athletes were on an anabolic steroid program?

5 A. Not overly because the only question was indeed whether he would wish to continue treating the athletes if he knew.

Q. Did you have any impression before you introduced the subject that he might be sympathetic to that kind of discussion?

10

A. Not particularly.

Q. Well, did you have an opportunity? Did anyone suggest to you that Dr. Astaphan might be interested in treating your athletes with anabolic steroids?

15

A. No.

Q. Had anyone besides you broached the subject on your behalf or on your athletes' behalf before you met with Dr. Astaphan?

20 A. I'm sorry?

Q. Did anyone talk to Dr. Astaphan before you introduced this subject to him about your group using anabolic steroids?

A. From my group, you mean?

25 Q. Yes, or on behalf of your group.

A. No, it was discussed when Angella and I were present.

Q. That was the first time?

A. Yes. To my knowledge certainly.

5 Q. All right. How was the subject introduced to Dr. Astaphan?

THE COMMISSIONER: At this time Miss Issajenko was well into her program for several years.

10 THE WITNESS: Yes, she was, and she told Dr. Astaphan that she was intending to take a trip to see this doctor who apparently was treating numerous athletes and world record holders in the United States and so forth.

15 MR. FUTERMAN:

Q. This is the U.S. doctor we are talking about?

A. Yes.

20 Q. She broached the subject to Dr. Astaphan?

A. Yes, I believe so.

Q. In that second meeting?

A. We were both present. She brought a copy of this individual's literature.

25 Q. She hadn't seen this doctor yet?

A. No, she was still in the process of arranging to go there.

Q. And what was it about this doctor, just so we can digress for a moment, that brought him to Angella's attention?

A. He had written a book.

Q. What was the name of the book?

THE COMMISSIONER: We are not investigating American doctors, Mr. Futerman. I don't feel that's relevant.

MR. FUTERMAN:

Q. What was the subject matter?

A. The subject matter of the book was the administration of anabolic steroids to athletes.

Q. And did you read the book?

A. Yes.

Q. And I gather this book was sympathetic to some of the views that you had at that time?

A. Yes. This doctor felt that he was concerned that athletes would not be able to go to doctors and would do things on their own, and he was hoping to dispense information that would be of use to athletes who might act on their own, and also, he indeed had a practice which was treating athletes with anabolic steroids and

other banned substances.

Q. So what he was suggesting was that people should not be on anabolic steroids without the advice of their doctor?

5 A. Yes, he wanted to bring the anabolic steroid question into the--

MR. McMURTRY: I just wanted to have the witness have a chance to finish his sentence.

10 MR. FUTERMAN: I thought I did, sir.

Q. Is there anything else you want to add to the answer?

A. I was just saying, it was his desire to bring the use out into the open and as much as possible try to encourage athletes to go to doctors and so forth.

15 Q. All right. So I guess after reading this book or hearing about this book, it became evident to you that the wiser course of action would be to have a doctor available to monitor the various athletes who were on the steroid program in your group?

20 A. And to prescribe a course of action, yes.

Q. All right, and this was approximately four years after Angella started her program and about two years after the other athletes that you have described

25

were mentioned from time to time?

THE COMMISSIONER: In fairness, Mr. Futerman, all these people had seen the doctor including Mr. Johnson.

5 MR. FUTERMAN: But I believe the evidence also was that he wasn't aware of any doctor who continued to monitor them. He had advised it from time to time, but he wasn't aware of any doctor actually doing it.

10 THE COMMISSIONER: I understand that he told all the individual athletes to see their own doctor at that time.

MR. FUTERMAN: That's correct, but he wasn't aware of what these doctors were doing, and I think that's important. That's the message I want to convey and
15 discuss with this witness.

THE COMMISSIONER: We don't know either what the individual doctors were doing.

MR. FUTERMAN: But I get the impression
20 that one of the reasons he sent these people to Dr. Astaphan is that he could have more of a control of what the doctor was actually telling them and what programs they were on and to make sure, I assume, that their health was being looked after properly.

25 Q. Was it?

A. Yes, and also that I would have a doctor who could treat all of my athletes, whether or not they were on anabolic steroids.

5 Q. You were concerned about their welfare and you wanted to have a doctor look after them. Is that also the reason?

A. Yes, but in fairness, I said before the time that they all embarked on anabolic steroid programs that they should be monitored by their own doctors. At no
10 time did I ever suggest to them that they not tell their personal physician. I told them that, in fact, it was necessary, that these were banned substances and obviously this couldn't be discussed openly, but obviously with
15 their personal physician they were free to discuss it because the information couldn't leave the office.

Q. Let's just examine that answer for a moment. Are you telling us that at various times you gave the impression to these athletes, although you were free to discuss the use of anabolic steroids with their
20 doctors, it might not be such a good idea in the event that the wrong doctor heard about it?

THE COMMISSIONER: He didn't say that. He said just the opposite.

25 MR. FUTERMAN:

Q. Mr. Francis--

A. A doctor is not in a position to reveal information that a patient gives him.

Q. Did you at any time give the impression
5 to your athletes that they should not discuss anabolic
steroids with their doctors?

A. No, I did not.

Q. All right. In 1983 when they went to
see Dr. Astaphan, at that particular time, were you also
10 concerned that you had one doctor that could monitor the
various steroid programs that these athletes would be
going on?

A. That was my hope, yes.

Q. And therefore it would be more
15 difficult for them to be detected in any testing that
might be done from time to time?

THE COMMISSIONER: I don't understand that,
Mr. Futerman. Is that your understanding--

MR. FUTERMAN: My understanding would be,
20 Mr. Commissioner, that a doctor would have a better idea
as to the potential clearance times of the various drugs
that were being administered to the athletes from time to
time.

THE COMMISSIONER: I understand. I was
25 trying to follow the question. I didn't understand your

question.

MR. FUTERMAN: I'm sorry, Mr. Commissioner.

Q. I want to know that if one of the
5 reasons you sent these athletes to Dr. Astaphan was so
that you would have a doctor who could be in a better
position to at least monitor not only the administration
of steroids, the cycles they were on, but also the ability
to detect the various drugs that these people were on.

10 A. Not necessarily. The principle
interest was monitoring and control. The detection of the
anabolic steroids in question were already well-known in
terms of the clearance times. A 28-day clearance time was
more than sufficient for any of the then-known oral drugs
15 which were on the banned list.

Q. Your main concern then for sending
these people to Dr. Astaphan was so that you would have
someone to monitor them in terms of the drugs and not in
terms of treating them?

20 A. And to treat them, yes. We've already
been through that.

Q. Well, did you talk to Dr. Astaphan
about doing tests on these people from time to time?

A. He routinely did tests.

25 Q. All right, and you mentioned earlier,

you did blood tests?

A. Yes.

Q. Did you ever discuss a blood test with Dr. Astaphan?

5 A. No, the assumption would be that if any abnormality showed up in any blood test, that he would--

Q. Let's get back to the second meeting with Dr. Astaphan when the subject of anabolic steroids was raised for the first time.

10 THE COMMISSIONER: What year is this?

THE FUTERMAN: This was 1983, sometime--we are back to 1983 now.

THE COMMISSIONER: With Miss Issajenko.

15 MR. FUTERMAN:

Q. With Mrs. Issajenko in Dr. Astaphan's office?

A. That's correct.

Q. Do you know what month that was?

20 A. Probably October. It must have been October. It was shortly before she was to leave for California to see this doctor.

Q. You began to tell us that one of the reasons you saw Dr. Astaphan at that time was to discuss
25 some of the information that may have appeared in this

doctor's book. Before she saw this doctor, she wanted to discuss that with Dr. Astaphan.

A. No, I didn't say that.

Q. Well, what was the reason that you
5 mentioned the book and the meeting with the doctor in the summer in the United States?

THE COMMISSIONER: You asked how did Miss Issajenko become knowledgeable about this, and he said she got this material from an American doctor of a book.

10

MR. FUTERMAN:

Q. What was it about this material that was important in terms of the meeting with Dr. Astaphan, if at all?

15

A. It was simply a side line of the initial two meetings, that indeed she told Dr. Astaphan that she was going to see this other doctor, and she showed him a copy of the book.

20

Q. Did she start the conversation dealing with anabolic steroids?

A. I don't recall which of us did.

Q. What else was discussed?

25

A. Well, very little about anabolic steroids. He really had no comment in particular. He said he would like to read the book, which he did. And

basically the discussion was about the treatment for her ischial tuberosity.

Q. Did you at that time tell the doctor that your athletes were on anabolic steroids?

5 A. Yes, it certainly indicates that Angella Issajenko was clear.

Q. And what was the doctor's reaction?

A. He had no reaction favourable or unfavourable at that point.

10 Q. How did you leave the meeting?

A. He wanted to read the book.

Q. And did you get back together with the doctor after that?

15 A. Yes, I believe it was after Angella had returned from California.

Q. When was that?

A. It would have been shortly thereafter. A week later or two.

20 Q. Was that after she met with the doctor in the States?

A. Yes.

Q. Where was that? Where did she go? What state?

A. California.

25 Q. And was there any other reason for a

trip to California besides seeing the doctor?

A. No. No other reason.

Q. How long was she gone?

A. A few days.

5 Q. And when she came back, did you and Angella have a discussion about-- further discussion about anabolic steroids and about the information she had received from that doctor?

10 A. Yes. She went through the program that the doctor had suggested.

Q. And you brought that program back to Dr. Astaphan?

A. Yes.

15 Q. And you asked Dr. Astaphan to consider and look at this program to see if it was appropriate for your athletes?

A. Yes.

20 Q. And at that time Dr. Astaphan said that in some instances he would have to look into whether these drugs would be beneficial for your athletes?

A. He only had a question about the L-Dopa.

Q. What did he say about the growth hormones?

25 A. He didn't feel that there was a problem

in the use of growth hormone.

Q. In any event, at that particular time, as we said before, there wasn't anything, any of these drugs on the banned list except the Anavar?

5 A. Yes, that's correct.

Q. All right. Now, the growth hormones, was it this particular time that you started to use the water-based Dianabol or does that come at a later date?

10 A. That comes after the '84 year. The fall of '84 and leading into--

Q. When was it that the athletes were first being injected by either water-based Dianabol, growth hormones, B12 compound with inosine, Furazabol or Estragol, as it's call? When was the first time
15 injections took place in respect to your athletes?

A. Well, we had had injections of B12 going back almost to the beginning of their career.

Q. Okay. Let's talking about that for a moment. From B12, which I think you've described as a
20 mixture of B12 compound and inosine compound--

A. No, I didn't say that. B12 is B12. At a later date, there was a--at the recommendation of Dr. Astaphan, he had discovered a combination of B12 with this inosine which athletes responded well to.

25 Q. So that the B12 compound, what is that,

is that a vitamin?

A. It's vitamin B12.

Q. It's vitamin B12, and that's the reddish-brown or brown--

5 THE COMMISSIONER: When it's mixed--

MR. FUTERMAN:

Q. When it's mixed with inosine.

A. A reddy color. Reddy to reddy-brown.

10 Q. The boys and Angella were being injected with B12. Is that all they took, that vitamin?

A. Well, B12 is injected because it doesn't absorb well through the gut lining and so on in pill form. So usually B12 is administered in injection
15 form.

Q. When do you start your athletes on B12 or when do they start at B12? At what age or what time?

A. I don't know. Variable. Usually they would get it from their doctor or some of them got B12 in
20 Europe or other places.

Q. Those administered by injection?

A. Yes.

Q. You would have to have a syringe and a needle?

25 A. That's correct.

Q. And who would do the injecting for,
let's say, Angella?

A. The doctor.

Q. And how about Ben?

5 A. I assume that he was getting B12
injections from a doctor, but I have no direct knowledge
of him receiving B12 shots until--

Q. Fine. Was that part of the--

THE COMMISSIONER: Until when?

10 THE WITNESS: I have no knowledge of him
getting B12 shots until such time as Dr. Astaphan gave it
to him.

MR. FUTERMAN:

15 Q. All right. Well, let's look at the--

A. But I did request that he talk to his
doctor to see if B12 was advisable.

Q. All right. Let's talk about 1983 then
after you have seen Dr. Astaphan. Was there any
20 injectable anabolic steroid that was being used at that
time? I think you told us about the Anavar. But besides
that, was there anything else being used?

A. An injectable anabolic steroid?

Q. Yes.

25 A. No.

Q. All right. Where's the first time that an anabolic steroid is introduced that is being injected to your athletes?

5 A. In the fall of '84 going into the '85 season, there was an injectable form of Dianabol.

THE COMMISSIONER: That's the water-based Dianabol.

THE WITNESS: The water-based Dianabol, yes.

10

MR. FUTERMAN:

Q. And the first time that that was introduced, how was that introduced again? By whom?

15 A. That was the suggestion of Dr. Astaphan.

Q. All right. And that was to replace the pills, the Dianabol pills that the athletes were taking?

A. Yes, that's correct.

20 Q. This is the first time that any injection of anabolic steroids was being administered to your athletes?

A. Injections, yes, that's correct.

25 Q. And up until that time, they had been receiving injections, as far as you know, of this B12 vitamin; is that correct?

A. Prior to that?

A. Yes.

Q. Prior to 1984.

5 THE COMMISSIONER: From their own doctors
prior to Dr. Astaphan?

THE WITNESS: Yes.

THE COMMISSIONER: What color, by the way,
was water-based Dianabol?

THE WITNESS: It was white.

10 THE COMMISSIONER: Thank you.

MR. FUTERMAN:

Q. And in 1983, I believe they are also
taking growth hormones; is that correct?

15 A. The fall of 1983 and the spring of
1984. That's correct.

Q. So that in 1984, they were being
injected by growth hormones, which was white I believe in
color?

20 A. With growth hormone, yes.

Q. And B12 mixtures?

THE COMMISSIONER: Who was being injected
with growth hormones? I'm not sure we heard you.

25 THE WITNESS: Perhaps we're jumping around
a little bit.

THE COMMISSIONER: I think we are back to '83 or the fall of '84, so it would help me if we got that one year cleared up because we have many years yet to go.

5

MR. FUTERMAN:

Q. The growth hormones that the athletes were receiving, that was introduced into the program I understand sometime in 1983?

A. In the fall of 1983, that is correct.

10

Q. And they continued with the growth hormones--

THE COMMISSIONER: Who is they? You say they.

15

THE WITNESS: There were three athletes involved; Angella Issajenko, Ben Johnson and Tony Sharpe.

MR. FUTERMAN:

Q. And at that time, who was administering the injections of the growth hormones in 1983?

20

A. Well, the growth hormone was administered during training camps in Guadeloupe and the injections were done by either Tony Sharpe or Angella Issajenko.

25

Q. Before they started to--is that the first time, to your knowledge, that an athlete was

injecting another athlete with any substance?

A. No. At other times they had injected each other with B12 and so forth in Europe.

5 Q. Was that of any concern to you, that one athlete would be injecting another athlete with a syringe and a needle?

A. No, not when they were instructed how to do it.

10 Q. Well, who instructed these people how to do it?

A. They had been instructed by a doctor. It's very simple.

15 Q. It may be very simple, but who instructed Tony Sharpe how to inject a syringe with a needle on it into another athlete?

A. I believe Dr. Astaphan showed him how before he left.

20 Q. You believe that Dr. Astaphan showed Tony Sharpe how to do this injection before he left for Guadeloupe in the fall of 1983?

A. I believe so, yes.

Q. What about Angella Issajenko?

A. I believe the same thing.

25 Q. Were you present when that was being accomplished?

A. No, I don't believe so.

Q. You are just--do you know this or are you just surmising this is what happened?

A. I believe so.

5 Q. Were you told by anybody that this happened?

A. No.

Q. Obviously by this time you had seen these syringes?

10 A. Yes.

Q. And you have seen the needles on them?

A. Yes.

Q. You don't still have any of these in your possession, do you?

15 A. No.

Q. Not here today, but back at your apartment?

A. No, I do not.

20 Q. How long were the needles or did they vary in length?

A. They vary in length, but the ones that were being used were supplied by Dr. Astaphan.

Q. Well, what was the size of these needles? Small--

25 A. I believe they were an inch and a

quarter needles, 22 gauge, 3 CC.

Q. Were they any longer than that on occasion?

A. They--

5 Q. Will you show us by spreading your fingers apart how--

A. An inch and a quarter, inch and a half.

Q. That was the longest needle?

A. Yes, to my understanding, and there
10 were some that were 21 gauge, some that were 22 gauge, 21 being larger than 22.

Q. All right. And did you ever see these people injecting another athlete? Did you see one athlete injecting another athlete back in 1983 with this needle?

15 A. Yes, I did.

Q. And did you see how it was done?

A. Yes.

Q. Can you describe it?

A. It was done in the upper quadrant of
20 the gluteals.

Q. Would you mind just pointing to the area?

A. Take one gluteal, divide it across, up
in one--

25 Q. Would I embarrass you if I asked you to

stand up--

THE COMMISSIONER: Please, Mr. Futerman,
let's get on to something else.

MR. FUTERMAN: There is a reason why I'm--

5 THE COMMISSIONER: We might get to that.
We know where some of these shots are put.

MR. FUTERMAN:

10 Q. All right. You never watched the
athletes give the shots?

A. I never watched the athletes--I just
said I did watch them, yes.

Q. You did, all right. You yourself never
gave any shots to anybody?

15 A. At that time, no.

Q. Why was that?

A. Because I felt nervous about doing it.

Q. Why were you nervous about doing it?

20 A. Because I wasn't sure. I was kind of
squeamish, I suppose. I might add that I received B12
injections from Angella or Tony at times personally.

Q. You were nervous about doing it. Were
you concerned that injecting someone with a needle could
be potentially dangerous?

25 A. No, I just felt nervous.

Q. You had no concern about that. All right. As far as you know, other than speaking to Dr. Astaphan, there was no other course or no other training that your athletes received before inserting these needles or syringes in anybody's body?

A. No.

THE COMMISSIONER: What year are we in now?

MR. FUTERMAN: 1983, the end of 1983 in Guadeloupe.

Q. Let's take a look at the fall of 1983. You are dealing with a program that a U.S. doctor in California had suggested together with a program suggested by Dr. Astaphan; is that correct?

A. Not really. A program basically suggested by the American doctor which Dr. Astaphan basically agreed with.

Q. Let's take a look at the spring of 1984, if we may. At that time, Dr. Astaphan, I believe, introduced Inosine into the protocol or the program. It wasn't a steroid, obviously, it was a vitamin or a -- what was Inosine?

A. It was a combination of B-12 and Inosine.

Q. All right. But was Inosine, did it come in a separate container or did it come together with the B-12?

A. No, it came mixed.

Q. It came mixed with B-12?

A. That's correct.

Q. And at that time, it was also being used together with growth hormones?

A. You are now talking about the spring of 1984?

Q. Yes.

A. Yes.

Q. So that the growth hormones and the mixture of B-12 and Inosine were put together in the syringes then and injected in the athletes?

A. I believe so at that time, yes.

Q. And the growth hormone at that time was white in color?

A. Yes.

Q. All right. And I understand that when those vitamins were mixed, we still had a reddish-brown color?

A. No.

5 Q. What was the color when the growth hormone --

A. The white predominated, it was a milky color --

10 Q. -- B-12 -- it was a milky color. So, when you mixed growth hormone, which was not banned back then; is that correct?

A. That's correct.

Q. With the B-12-Inosine mixture, you ended up with a milky white color?

15 A. That's correct.

Q. Is that correct?

A. That's correct.

20 Q. Is it fair to say, sir, that that was basically the same color that we later saw when B-12 mixture and Inosine was mixed with Furazabol?

A. That's correct.

Q. Which was of course banned; namely, the Furazabol?

A. That's correct.

25 Q. So sometime -- when was Furazabol

introduced into the --

THE COMMISSIONER: '85.

THE WITNESS: Estragol in the fall of 1985.

5 BY MR. FUTERMAN:

Q. All right. How long was the growth hormone being used?

A. In the period of the fall of 1983, spring of 1984.

10 Q. I gather it was banned after --

THE COMMISSIONER: Was it discontinued then?

THE WITNESS: Yes.

BY MR. FUTERMAN:

15 Q. So that Ben Johnson specifically, during most of 1984, was receiving injections of B-12 mixture, which included Inosine, together with growth hormones?

A. For some of 1984.

Q. Pardon?

20 A. For some of 1984.

Q. All right. Well, perhaps we can clear up the months. And none of these substances were banned at that time; is that correct?

A. That's correct.

25 Q. And the resulting color when these three

were mixed together, was a milky white?

A. That's correct.

Q. All right. And you told Ben --

THE COMMISSIONER: The same color as
5 water-based Dianabol, pretty well?

THE WITNESS: When you mixed them together,
it would be similar, yes, that's correct.

THE COMMISSIONER: That was first, though,
water-based Dianabol then went on growth hormones?

10 THE WITNESS: Then the Estragol, yes. They
would all appear similar.

THE COMMISSIONER: Were the other steroids
then not used when the growth hormone was being used?

15 THE WITNESS: The other steroids were being
used in oral form.

THE COMMISSIONER: I am sorry, I lost that.
The period Mr. Futerman was talking about, the growth
hormone and the B-12?

THE WITNESS: Yes.

20 THE COMMISSIONER: And what else was being
used at that time?

THE WITNESS: The athletes were using oral
Dianabol, in case of the two men, and Anavar in the case of
Angella.

25 THE COMMISSIONER: Or Dianabol in the case of

which two men? I am loosing track of the men here, we are up to two now?

THE WITNESS: Tony Sharpe and Ben Johnson.

THE COMMISSIONER: So at that stage, the men
5 were on Dianabol --

THE WITNESS: Tablets.

THE COMMISSIONER: -- tablets, plus the growth hormone, plus the vitamins. And Ms. Issajenko would be on what?

10 THE WITNESS: She was on Anavar tablets.

THE COMMISSIONER: Anavar not Dianabol?

THE WITNESS: Not Dianabol.

THE COMMISSIONER: Plus the growth hormone?

THE WITNESS: That's correct.

15 THE COMMISSIONER: When was growth hormone discontinued?

THE WITNESS: It was basically discontinued at the end of the year.

THE COMMISSIONER: '84?

20 THE WITNESS: At the end of '84, yes.

THE COMMISSIONER: Sorry, go ahead.

BY MR. FUTERMAN:

Q. The point I am trying to make, Mr.
25 Francis, that for part, and I assume most of 1984, and we

can perhaps discuss what months of the year it was used, Mr. Ben Johnson was receiving an injection of a combination of a B-12 mixture which included Inosine and a growth hormone, which when mixed together resulted in a milky white color.

5 And this injection, and this combination of substances, was not on the banned list?

A. That's correct.

Q. Is that correct?

A. That's correct.

10 Q. All right. Now, sometime in 1985 --

A. Well, let's point out that he was also taking Diababol tablets that clearly were on the banned list.

15 Q. Sure, we know that, you have mentioned that, but can you just answer the questions I am asking you?

MR. McMURTRY: He's answered -- I have counted six times that he's answered that question about the growth hormone.

20 THE COMMISSIONER: Yes, I think that's been fully canvassed, Mr. Futerman, fully canvassed.

MR. FUTERMAN: Thank you, Mr. Commissioner.

BY MR. FUTERMAN:

25 Q. Mr. Francis, in 1985, at that particular time, did Mr. Johnson and others receive a -- injections of Dianabol, water-based Dianabol?

A. In the fall of 1984, in the season of 1985; that's correct.

Q. All right. And when did that start as far as you can remember?

5 A. It would have been in the fall, fairly early in the training program. So, it would have likely have been the end of October, beginning of November.

Q. So that how often was he getting those injections of water-based Dianabol?

10 A. I believe he was getting one three times a week for three weeks, twice a week for another three weeks.

Q. Would it be fair to say that this was at the same time he was also getting the B-12-Inosine growth hormone injections?
15

A. No. He did not receive any further growth hormone at that time.

Q. All right. So the growth hormone stops sometime in late 1984. What month was that?

20 A. It would have been probably April.

Q. Within days thereafter, he started on the -- in April he stopped the growth hormones? I thought you said --

A. Well, there's quite a few days between
25 April and November.

MR. FUTERMAN: Well, this is why I was trying cover this before, sir.

THE COMMISSIONER: I thought we had covered it.

5 MR. FUTERMAN: Obviously, he is giving us a different answer now.

THE COMMISSIONER: I don't think so.

MR. McMURTRY: He is not giving a different answer now.

10 THE COMMISSIONER: I think you may be confused on the dates. I have asked him earlier when did the growth hormone program stop. You told me that was when?

THE WITNESS: In the beginning of April.

THE COMMISSIONER: All right.

15 BY MR. FUTERMAN:

Q. Well, did he receive any injections after the beginning of April of growth hormones?

A. No, he did not.

20 Q. All right. That's fine. When was the next injections that he received of any kind?

A. He received injections of B-12 and Inosine.

Q. Continuously during the --

25 A. In the summer, yes.

Q. -- during the summer of 1984?

A. Yes.

Q. How often was he receiving those injections?

5 A. Every couple of weeks he would receive one; and in the competition period, he received perhaps --

THE COMMISSIONER: I thought you were asking about the water-based Dianabol, that's when I interrupted you.

10 MR. FUTERMAN: Yes, we are coming to that.

THE WITNESS: Perhaps twice a week.

THE COMMISSIONER: You said three times a week for water-based Dianabol for the first week and twice a week for the second week or --

15 THE WITNESS: Well, he was asking me about the Inosine and B-12 combination in the summer.

THE COMMISSIONER: All right. I am sorry?

THE WITNESS: I was just saying that he would have an injection every couple of weeks in the early summer, before the Olympic games perhaps he went twice a week for two weeks. And that would have been it, I guess, until the end of the summer.

20 THE COMMISSIONER: Who would have --

THE WITNESS: I beg your pardon?

25 THE COMMISSIONER: Who would -- in 1984, you

are now getting ready for the '84 Olympics?

THE WITNESS: That's correct, yes.

THE COMMISSIONER: Who was administering the vitamin compound?

5 THE WITNESS: The athletes were administering it to each other.

THE COMMISSIONER: All right.

BY MR. FUTERMAN:

10 Q. At that particular time -- were you aware of Ben Johnson ever administering an injection to any other athlete?

A. No.

15 Q. All right. In fact, to your knowledge, did he ever inject any other athlete?

A. Not to my knowledge, no.

Q. No. Sometime in the fall we get to the water-based Dianabol. What month was that as far as you can recall?

20 A. Late October, early November.

Q. And was that also injected to the -- into the athletes?

A. That's correct.

25 Q. And was that injected by itself or was that also mixed in with the B-12-Inosine compound?

A. Yes, it was.

Q. And what was the resulting color when you mixed these three substances together?

A. Milky white.

5 Q. And the Dianabol, of course, was an anabolic steroid, it was on the banned list?

A. That's correct, as the orals had been before.

Q. And you obviously told Ben that?

10 A. Yes, I did.

Q. You said we are now giving you something that's banned, or how you did you present it?

A. No, I didn't say we are now giving you something that's been banned. He has been on a banned drug
15 since 1981.

Q. When you introduced the water-based Dianabol, how did you present that to Ben??

A. I told him they would be using an injectable water-based Dianabol to replace the oral tablets
20 because it was felt to be more effective.

Q. All right.

THE COMMISSIONER: Anything you said about the clearance time for the water-based Dianabol?

THE WITNESS: Yes, Dr. Astaphan had discussed
25 that. He was basically allowing three or four weeks, I

believe.

MR. FUTERMAN: Dr. Astaphan -- I am sorry --

THE COMMISSIONER: No, go ahead.

5 BY MR. FUTERMAN:

Q. Dr. Astaphan was discussing the clearance times at that time?

A. Yes.

Q. That wasn't your job any more?

10 THE COMMISSIONER: He would be interested in it, I think.

THE WITNESS: I was very interested, indeed.

BY MR. FUTERMAN:

15 Q. Well, did you discuss it with Ben Johnson specifically?.

A. Yes. Yes, I did. We were allowing four weeks.

20 Q. You were allowing four weeks. And how did you tell him that? When did you tell him that?

A. Who?

Q. Ben Johnson?

A. I told him at the time that he was getting it that there would be a four-week clearance and I
25 assumed that Dr. Astaphan also told him that.

Q. Did he respond to that?

A. Yes. Well, he just said yes. I don't know how else he could respond.

5 Q. In 1985, or was it still back in 1984, I have forgotten, that we have Estragol or Furazabol that was introduced

THE COMMISSIONER: Fall of '85.

BY MR. FUTERMAN:

10 Q. Fall of '85?

A. That's correct.

Q. So the water-based Dianobol was being used all through the remainder of 1984?

A. Of 1984.

15 Q. And early 1985. Is that correct?

A. Until the spring, yes.

Q. During this entire period of time as well he was receiving the B-12-Inosine mixtures. He was being injected by those mixtures as well, is that correct?

20 A. That's correct.

THE COMMISSIONER: I wasn't clear. Every time the water-based Dianobol is injected, it's always accompanied by the B-12.

THE WITNESS: Yes, it is.

25 THE COMMISSIONER: I see. Thank you.

MR. FUTERMAN: This is the point--

MR. McMURTRY: It might be helpful just to clarify the color of the B-12-Inosine injection by itself.

THE COMMISSIONER: It was reddish-brown.

5 MR. ARMSTRONG: I believe we have already done that at least six times.

MR. McMURTRY: No --

THE COMMISSIONER: I think it's reddish-brown. Is that right, Mr. Francis, reddish-brown?

10 THE WITNESS: Reddish brown.

THE COMMISSIONER: Vitamin B with a compound was mixed. You say actually if it's mixed with water-based Dianabol, it comes out white, the same color as Furazabol?

15 THE WITNESS: Well, milky white color, slightly off white.

THE COMMISSIONER: Slightly off white. Thank you. Go ahead.

20 THE WITNESS: But clearly identifiable. You couldn't mix the steroid together with the Inosine and have it not show. It would clearly predominate and the color would be white or off white.

BY MR. FUTERMAN:

25 Q. I think you made that quite clear. Very similar to when you mixed the B-12, the Inosine, and the

growth hormone together?

A. Yes, that's correct.

Q. Yes. The resulting color was very similar?

5 A. That's correct.

Q. All right. So that if you carry on with the Dianabol in the spring of 1985, and then in the fall of 1985 that's changed to Furazabol?

A. Or referred to Estragol.

10 Q. Or Estragol?

A. That's correct.

Q. And I understand that any time Ben Johnson specifically was injected with Dianabol water-based or Furazabol, or Estragol water-based, it was accompanied with the B-12-Inosine mixture?

15

A. That's correct.

Q. And the resulting color of all of these composites was the milky white?

A. That's correct.

20 Q. All right.

THE COMMISSIONER: Just going back to the earlier, every time there was a change of the program, would you discuss with the athletes the change?

THE WITNESS: Yes, indeed.

25 THE COMMISSIONER: That's with all those who

were on the program?

THE WITNESS: Yes, indeed. In the case of the Estragol, the clearance time was changed and it was suggested the clearance time would be two weeks.

5 THE COMMISSIONER: Where did you learn that from?

THE WITNESS: From Dr. Astaphan.

THE COMMISSIONER: Not 28 days any more?

10 THE WITNESS: Not 28 days any more, no. This was to be two weeks.

THE COMMISSIONER: Sorry.

BY MR. FUTERMAN:

15 Q. When you changed from Dianobol to Furazabol, was the discussion with Ben Johnson with you or was it with the doctor?

A. I discussed it with him as well as the doctor.

20 Q. All right. When did you discuss the change to the Furazabol or Estragol?

A. When it was to be introduced.

Q. Where was that?

A. At the track.

25 Q. And how did the discussion ensue? How did it take place? How was it introduced?

A. Well, initially I had had a discussion with the doctor. He was suggesting this is a replacement. He felt it was a better substance. And I then had a conversation with the various athletes, that this would be the substance of choice.

Q. This would be a better substance?

A. Yes.

Q. Did you specifically mention the name to Ben?

A. I mentioned the name Estragol, yes.

Q. Did you tell him what it was?

A. It was an anabolic steroid; he knew it was an anabolic steroid.

Q. And were you familiar at all with any of the side effects of Estragol at that time or were you concerned?

A. I was still of the impression that the side effects of anabolic steroids in small doses were not a factor and, indeed, I had no reason to believe so. And was not led to believe so at any time by Dr. Astaphan.

Q. In view of your experience with the Stanazolol or Winstrol when it was introduced back in 1982, and the resulting stiffness, did you have any additional concern about the introduction of new anabolic steroids without discussing it with the doctor yourself?

A. Well, I had discussed it with the doctor. And, of course, as it was early in the season, it would be possible to see if indeed there was a change in the performance of the athletes during the administration of the substance, you know, far away from competition.

Q. When you introduced Furazabol to the athletes, did you discuss any side effects?

A. No, I did not and that was --

Q. That was for the the doctor?

A. -- for the doctor because they were going there. But the doctor at no time indicated to me that there was any reason for concern in the form of side effects nor did he indicate in any way that there could be a different series of side effects related to the use of this substance or any other substance. He felt it was a mild substance and it would be effective.

And further he, at that time, the beginning of the administration of this substance, Tony Sharpe went to him and suggested that he did not like the substance as much as he had liked the Dianabol and did not feel it was as effective, but he did not wish to go back in his case to use Dianabol. He wished him to remain with this substance.

Q. In 1984, I think you indicated in your evidence, that Ben was taking Dianabol tablets in Guadeloupe?

A. That's correct.

Q. In the spring. You weren't there, you weren't present, you don't know that for a fact?

5 A. He was given the tablets. He and Tony Sharpe were sharing a room, perhaps Tony would know better than I would what was taken.

Q. All we are trying to determine is whether you were there to actually see this occur; you weren't?

A. That's correct.

10 Q. Sometime in 1984, Molly Killingbeck left your group. That was apparently on the advice of Desai Williams, or from Desai Williams, as far as you know?

15 A. No, not necessarily. The advice of Desai Williams in the beginning of 1984 was that she not take anabolics any further, and she did not.

Q. In 1984, as well --

A. During the '84 season.

20 Q. -- in 1984, when you were using the growth hormones on Ben, apparently you told him it wasn't on the banned list?

A. Yes, that's correct.

Q. I find this surprising --

A. Well, wait a minute, I didn't tell him that, I told him it was not-testable.

25 THE COMMISSIONER: I am sorry, you said it

was not testable. Is that what you said?

THE WITNESS: Yes, there was no test for such a substance.

THE COMMISSIONER: You mean there was no --
5 there was no tests for it at that time?

THE WITNESS: Yes, I am not sure whether I referred to it.

MR. FUTERMAN: Mr. Commissioner, I am referring back to page 3782 of the testimony of Mr. Francis.

10 MR. McMURTRY: I am sorry what page?

MR. FUTERMAN: Page 3782.

THE COMMISSIONER: What's the quote there?
Go ahead with the quote.

15 BY MR. FUTERMAN:

Q. They are talking about --I can read the entire page but:

20 "... we had this substance explained that was growth hormone that this was being used a lot in the United States, the information had come from this American doctor and so on. He had mentioned to Angella how many Olympians and other top athletes he was treating
25 in the U.S, and basically explained its

use and how it would be administered.

Q. All right. And did you give that information to Sharpe and Johnson?

5 A. Yes. I also told them that it was not on the banned list and it was not testable."

Do you remember giving those answers?

A. Yes, I would stand by that.

10 Q. Since you had already been giving Ben Johnson steroids apparently for approximately three years, why was it necessary that you tell him that growth hormones was not on the banned list?

15 A. Because of the testing situation. There would be no test involved, no concern about testing in taking the substance.

Q. As far as, you are concerned, it had nothing to do with the Ben's --

THE COMMISSIONER: He wouldn't worry about a clearance time at all?

20 THE WITNESS: No. He would have been interested in knowing about the clearance time and so on in any substance he was getting. He was acutely aware of what he was taking and certainly asked questions before the introduction of any substance.

25 Q. And it wouldn't be because Ben was

interested in knowing if something was banned because he had no interest in taking a banned substance?

A. No, that's not correct.

Q. That's not correct. All right. Now
5 prior to 1984, Ben -- prior to the Olympics in 1984, Ben was only taking at that time the B-12 mixture with Inosine, the growth hormones which was injected, and the Dianabol pills which you assume Ben was taking?

A. That's correct.

10 Q. All right. And looking at the fall of 1984 and the '85 season, Dr. Astaphan at that time took over the steroid program?

A. Yes, that would be correct. You are talking about the fall of '84 into the '85 season?

15 Q. '85 season which starts in the fall of '84?

A. Yes, that's correct.

Q. And did you ever go to Dr. Astaphan with Ben Johnson?

20 A. I ran into him in the office at times when he would go separately, but he lived quite a ways out by them.

Q. Sure?

A. And he would drive separately.
25 Occasionally we would run across each other at Dr.

Astaphan's office.

Q. Mr. Francis, were you ever present with Dr. Astaphan and Ben in the office when he was being injected by Dr. Astaphan?

5 A. I do not recall being present at any time.

Q. Were you ever present when Ben Johnson and Dr. Astaphan discussed anabolic steroids in his office or anywhere else?

10 A. I believe there had been discussions away from the office at times at the track or in other places but --

Q. Did you remember --

A. -- not at his office, no.

15 Q. Do you remember any specific discussions that you were present at with Dr. Astaphan and Ben?

A. No, not really.

THE COMMISSIONER: I am sorry?

THE WITNESS: No.

20 THE COMMISSIONER: Not in a clinic or you said something about a track meet?

THE WITNESS: Well, sometimes there would be discussions where the athletes would gather and so forth, but at no time do I recall a discussion between Dr. Astaphan and Ben in the doctor's office.

25

THE COMMISSIONER: I see. Go ahead. In the office.

MR. FUTERMAN: I think he is saying elsewhere as well but maybe I didn't understand.

5 THE COMMISSIONER: I wanted to clear that up.

MR. FUTERMAN: Well, sure let's clear that up now.

THE COMMISSIONER: It wasn't too clear. You said never in the office. I think you said that Dr. Astaphan would attend -- would he attend York University?

10 THE WITNESS: Occasionally. I remember really this summer there was a discussion in the physiotherapists room where there was a discussion of the Estragol and so forth, but then I believe Ben was getting massaged at that time and Angella was present, Desai, and Mark --

BY MR. FUTERMAN:

Q. Sorry?

20 A. -- and myself.

Q. I didn't catch the date. When was that?

A. That would have been in the summer of this year before going to the -- before the national championships.

25 Q. You say there was a discussion between

Ben the doctor or a general discussion?

A. Just a general discussion at which he
was --

5 Q. Did Ben make any contributions to that
discussion as far as you recall?

A. Not that I recall, no. You simply asked
me where.

10 Q. Yes, that's fine. Was there any other
discussions with Dr. Astaphan where Ben was present where
anabolic steroids were discussed?

A. In my presence?

Q. Yes?

A. Not that I recall, no.

15 Q. All right. I believe at that time 28
days was still the clearing time that you were using --

A. At what time?

Q. -- for all anabolic steroids?

A. No, using 14 days with Estragol and we
went over that.

20 Q. We are talking about 1985. Perhaps
wrongly I had the impression --

THE COMMISSIONER: '85 is when the Estragol
was started?

THE WITNESS: '85 and '86.

25 THE COMMISSIONER: What's described as

Estragol.

BY MR. FUTERMAN:

5 Q. We are talking -- I am sorry, we are
talking about '84, fall of '84, '85 season?

A. Yes.

Q. At that time was the clearance time that
you were telling your athletes 28 days for all anabolic
steroids regardless --

10 A. At that time, yes.

Q. Yes. I believe you mentioned that one of
the labels on one of the bottles that you saw had a 28
days -- I have forgotten the exact words, but I think it was
that do not take within 28 days of a competition. Is
15 that --

A. I did see one, yes, at a later date.

Q. When did you see that?

A. I believe that was '87.

Q. 1987?

20 A. Yes.

Q. Where did you see it?

A. It was in Ben's possession.

Q. And was that label on a bottle that he
was carrying.

25 A. Yes.

THE COMMISSIONER: I am not sure it was a label. Was it writing?

THE WITNESS: It was written, it was like a -- it's one of those stick down --

5 THE COMMISSIONER: Not a pharmaceutical label, I don't think.

MR. FUTERMAN: I would be surprised if it was.

10 THE WITNESS: Not a trade label, but it was one of those stickers you put on the bottles. It has handwriting on it.

THE COMMISSIONER: There was handwriting on it?

THE WITNESS: Yes.

15 THE COMMISSIONER: I think I asked you whose it was and you said you didn't know?

MR. FUTERMAN: All right.

THE COMMISSIONER: Is that right?

20 THE WITNESS: That's right. I didn't know whose handwriting it was.

BY MR. FUTERMAN:

Q. It didn't appear to be Ben's, in any event?

25 A. No.

Q. Did it surprise you that any of your athletes after taking anabolic steroids for as many years as they had been, specifically Ben by '87, I guess that would be about six years, and after knowing all this time that they were required to have 28 days clearance, for most of the anabolic steroids that they were taking, that anybody would require a label. Would that surprise you?

A. Not particularly it if was in the athlete's own possession. He was the only athlete, to my knowledge, who had it in his own possession at that time.

Q. Why would they need a label? Surely after all these years --

THE COMMISSIONER: We don't know when the label was put on, Mr. Futerman.

BY MR. FUTERMAN:

Q. It doesn't matter when. We still had the label on in 1987. What kind of bottle -- perhaps we can discuss that, Mr. Commissioner.

Was this a bottle of Furazabol?

A. That was my understanding, that it was.

Q. Well, Furazabol was introduced I believe in the fall of '85?

A. Fall of '85, that is correct.

Q. So, that at the very least, Ben would

have been on an anabolic steroid program for four years when this label was put on that bottle; is that correct?

A. I assume so, or perhaps longer, because this bottle as I say, I saw it in 1987.

5 Q. Sure. We are talking minimally four years, and possibly as long as six years.

THE COMMISSIONER: We don't know when the label was put on. It could have been on years ago. We don't know. We haven't seen it. The fact that it was there
10 in 1987 doesn't mean it was put on in '87.

MR. FUTERMAN: I think I have conceded that, Mr. Commissioner, with the witness. I said it might have been on early as 1985 because that was the first time --

THE COMMISSIONER: If it was -- was this a
15 liquid, a bottle with liquid in it?

THE WITNESS: Yes. My understanding was that this was a bottle he had obtained from Dr. Astaphan after Dr. Astaphan left the country that he wanted a supply of his own. He didn't want to rely on anybody else. My
20 understanding was he obtained the bottle from Dr. Astaphan. Dr. Astaphan had no reason to give him his own bottle at such time as he still had a practice in Toronto. So I don't know, I have no explanation for where he got it.

Q. But someone wrote on this bottle that one
25 should not take whatever was in that bottle for at least 28

days before a competition; is that correct?

A. That's correct.

Q. And did that not surprise you knowing that your athletes had been on anabolic steroids for some time and certainly would have known the clearance times as you have said many times?

A. No, not particularly I just -- it surprised me that it had a label which indicated to me there might be some confusion as to what it was.

Q. Did this not tell you that perhaps in somebody's mind that whoever was using this bottle might not understand what the clearance time was?

A. Are you suggesting that Ben wouldn't understand?

Q. I am not suggesting, I am just asking you?

A. You are asking if it would be surprising?

Q. I am asking you did it not surprise you that if Ben or any other athlete after being on a steroid program for the number of years they had been by either 1985 or 1987, that they would require a label to tell them what the clearance times were?

A. It would surprise me, yes.

Q. Of course.

A. The question that -- that I had was

simply why 28 days versus 14 days, which was the clearance
on the --

Q. We are just talking about the label --

THE COMMISSIONER: If it was? Did you know
5 what was in the bottle?

THE WITNESS: I asked him when he got it and
he told me he got it from Dr. Astaphan when he left.

THE COMMISSIONER: No, you asked Mr.
Johnson?

10 THE WITNESS Yes, I did.

THE COMMISSIONER: Did you ask him what was
in the bottle?

THE WITNESS: He told me it was Estragol.

THE COMMISSIONER: Pardon?

15 THE WITNESS: He told me it was Estragol,
which is really the reason why I wondered why there was --

20

25

THE COMMISSIONER: I see you're puzzled by the label, because you see, there is 14 days.

THE WITNESS: There was 14 days.

THE COMMISSIONER: And you discussed that with Mr. Johnson?

THE WITNESS: When I saw the label I asked him what it was and he said it was Estragol and he got it from Mr. Astaphan.

THE COMMISSIONER: I see.

MR. FUTERMAN:

Q. Those were the words he used?

A. Yes.

Q. Did you ask him why the label was on?

A. No, I didn't know why it was on but it just was a little puzzling why there appeared to be conflicting clearance times on it.

Q. You also told us, I think around that same time -- perhaps you can tell us specifically, when did Ben call you from Tokyo. Was that '87?

A. 1987, yes.

Q. I think your evidence was that he was concerned about ---

A. It was January 15th or so, I believe.

THE COMMISSIONER: I'm sorry, are we in '87

now?

MR. FUTERMAN: Only because it deals with the same subject matter. I just want to deal with that particular area for the moment.

5 THE COMMISSIONER: All right, fine.

MR. FUTERMAN:

Q. At that time Ben called to you check his clearance time?

10 A. Yes, he did.

Q. So he, in your mind, was confused about the clearance time again?

A. I believe ---

Q. He might have been confused?

15 A. I believe he wanted to know if he had the 14 days clearance time because he was on the edge of it and he crossed the date line.

Q. If I was to suggest ---

A. In other words, you lose a day.

20 Q. If I was to suggest to you that the phone call that might have taken place at that time or an earlier time was to tell you that he had set a world record. Did he discuss that with you?

A. Well, first of all, I didn't initially
25 receive the call from him. I received a call from meet

officials on his behalf that he had put a call through to me. They informed me that he had set a new world record. Then Ben came on the phone.

Q. Did he call you from the doping control office?

A. He called me from the stadium. I don't know where.

Q. I see. And what did he say to you, precisely?

A. Well, he said that -- that there is a test, you know, because it's a world record, have I got enough clearance time.

Q. Those were the exact words that he used as far as you can recall?

A. Yes.

Q. All right. Getting back to Dr. Astaphan.

THE COMMISSIONER: Excuse me, would this be a convenient time for you to have a -- convenient for you?

MR. FUTERMAN: That's fine.

THE COMMISSIONER: All right. Take the morning break. Thank you.

---Short recess

THE COMMISSIONER: I regret the delay but there were certain matters that I had to take up with counsel. Mr. Futerman?

5 MR. FUTERMAN:

Q. Mr. Commissioner. Mr. Francis, I want to direct you to back to the phone call from Tokyo, for a moment, that took place in 1987.

10 Knowing Ben, as you do, is he the kind of man that would have made a call from Tokyo without someone being present. Surely someone else would have had to be there to give him the phone, someone else would have had to be there to be available to make sure that the call got from Tokyo to Toronto?

15 A. Well, as I earlier stated, a meet official came onto the phone and spoke to me initially. He had made the call with the meet official and had the conversation with me afterwards.

20 Q. Did you ask him, when you talked to him about the very, very sensitive subject whether the meet official was still there?

A. Yes, I asked him if he was alone and he said yes.

Q. He said he was alone?

25 A. Yes.

Q. Did he say that he was in a doping control office?

A. I'm sorry?

Q. What office did he say he was calling you from?

A. He didn't make it exactly clear where he was but he had to go to doping control. I assume he was somewhere in that area.

Q. So he called you from the doping control office?

A. No, I don't know that.

Q. Could he have refused to take the test?

A. Could he have refused to take the test?

Q. Yes?

A. No.

Q. So, what was the purpose of calling you?

A. Well, that's a good question.

Q. Seemed kind of silly, naive? All right. Let's go back to 1985. I'm sorry for bringing you up to '87. I want to get this clear in my mind because I know we've covered it a couple of times but the program kept changing.

THE COMMISSIONER: What date are we at now, please?

MR. FUTERMAN: We're back in '85, Mr. Commissioner.

THE COMMISSIONER: The fall of '85?

MR. FUTERMAN: I know, I'm sorry. We're
5 talking about the fall of 1985.

MR. FUTERMAN:

Q. That is the time that Dr. Astaphan really takes over the program?

10 A. No, the fall of '84.

Q. I'm sorry, the fall of '84. But by 1985, he's very involved in your program?

A. That's correct.

Q. And he is the one that is determining
15 the drugs that your athletes were on, is that right?

A. Yes.

Q. You were trusting his judgment?

A. Yes.

Q. You trusted him?

20 A. Yes, I did.

Q. All right. And that you, of course, were being informed by Dr. Astaphan as to what cycles the various athletes were taking the drugs on?

A. Yes, he laid out a protocol in the
25 beginning as we mentioned.

Q. Did that program ever change from time-to-time with Dr. Astaphan?

A. Not really because of the periods of time that were laid out in the training and so forth.

5 Q. Were not new drugs introduced from time to time?

THE COMMISSIONER: What year?

MR. FUTERMAN: In 1984 to '85?

THE COMMISSIONER: In that period?

10 MR. FUTERMAN: Yes.

THE COMMISSIONER: In the fall of '84?

MR. FUTERMAN: From the fall of '84 to the fall of '85, Mr. Commissioner, were new drugs introduced from time to time to the program.

15 THE COMMISSIONER: The fall of '85 there was a new drug; there was Estragol.

MR. FUTERMAN: Well, that is a drug.

THE COMMISSIONER: I said in the fall of '85 we know that, there was a change.

20 MR. FUTERMAN: Yes. Well, that's the question I'm asking Mr. Francis.

THE COMMISSIONER: Well, he's told us that, Mr. Futerman, several times.

MR. FUTERMAN: All right. Well....

25

MR. FUTERMAN:

Q. When he changed the drug, did he discuss that with you?

A. Yes, he did.

5 Q. And the cycle?

A. Yes, he did.

Q. And the clearance time?

A. Yes, he did.

10 Q. And so, therefore, you were able to put that in your program, your training program?

A. That's correct.

Q. Because that was extremely important to you?

A. That's correct.

15 Q. All right. Now, when it came to the question of the administration of steroids, just to review and recap, you seemed to have trusted the judgment of a lot of people, is that correct? Is that correct?

A. Yes.

20 Q. All right. You trusted the judgment of Bishop Dolegiewicz when he talked to you about steroids because he was an expert?

A. Yes, I did.

25 Q. You trusted the judgment of the U.S. doctor because he was an expert?

A. Yes.

Q. You trusted the judgment of Dr. Astaphan because he was an expert?

A. Yes.

5 Q. And you trusted the advice of the family doctor who saw you in 1973 and the other family doctor who saw you and Angella in 1979 and who talked to your athletes in 1981, is that correct?

A. Yes, that's correct.

10 Q. All right. Now, Waldemar came on the scene in 1986?

A. Waldemar, yes.

Q. And is it fair to say that he was a physiotherapist, and I think you described him as an expert in electronic muscle stimulation. As far as you were concerned, the very best?

15

A. Yes.

Q. And Waldemar was a gentleman?

A. Yes.

20 Q. And not involved in your steroid -- anabolic steroid program at any time?

A. Not to my knowledge, no.

Q. He be the last person -- perhaps the not last person, but there would be no chance that he would be involved in any sabotage involving Ben Johnson

25

in Seoul?

A. Not to my knowledge, no.

Q. Is there any suspicion in your mind that he could be involved in sabbotage?

5 A. I really don't know. All I've suggested, based -- there seemed to be a lot of comments about sabbotage and so forth. I tried to put forward to you that, in fact, to my knowledge the substance in question had not been used and therefore I had no
10 explanation as to where it came from. That doesn't suggest anybody -- I really don't know.

Q. Well, I guess the issue -- the question I'm asking you, Mr. Francis, is there any suggest or any thought in your mind that Waldemar is one of the suspects?

15 A. I really didn't know. As I say, I had explanation as to where the substance came from.

Q. All right.

A. It would be difficult for me to say, well, I think this happened or that happened. I simply
20 didn't know and I don't know to this point.

Q. You told us earlier that when water based Dianabol was introduced that you discussed that with the athletes from time-to-time, you were present when Dr. Astaphan discussed that with the athletes, is that
25 correct?

A. That's correct.

Q. And when water based -- perhaps I shouldn't use the use water base even though it is a water base, when Furazabol or Estrago was used to the athletes
5 sometime in the fall of 1985, how was that introduced?
Were you present when any discussions took place ---

THE COMMISSIONER: He's already told us that, Mr. Futerman. He's already discussed that, that he discussed it with Dr. Astaphan and he discussed it with
10 each of the athletes and what it was and that there was a change in the clearance time. He said that just this morning in answer to your question.

MR. FUTERMAN: All right, Mr. Commissioner.

15 MR. FUTERMAN:

Q. What I want to know was that, it was in the fall of 1985 that the athletes went to Guadeloupe, is that correct?

A. In the fall of 1985, but not Ben
20 Johnson.

Q. Ben Johnson did not go, is that correct?

A. That's correct.

Q. And who was administering the Furazabol
25 or Estragol to Ben Johnson in the fall of 1985?

A. During the period that we were in Guadeloupe, he was in Jamaica, it was my understanding, to see his father. He would not have been receiving, nor was anyone else who was in Guadeloupe, at that time.

5 Q. So he wasn't on a steroid program in late 1985, is that your evidence?

A. Yes, he was, before he left for Jamaica and after he returned.

Q. Well...

10 A. I believe he was there for approximately a week to two weeks, as we were in Guadeloupe.

Q. What steroid program was he on before he left for Jamaica, as far as you know?

15 A. My understanding was that he was going to Dr. Astaphan and was getting the injections.

Q. Did you discuss that with Dr. Astaphan as to when he was getting the injections?

20 A. I discussed with him initially what the plan was.

Q. But not after each of the treatments?

A. No, that's correct.

25 Q. All right. And when Dr. Astaphan was mixing the B-12 and inosine and Furazabol together to inject Ben -- that's your understanding as to how it was

done, I assume?

A. That's correct.

Q. Yes. Do you know what he told Ben?

A. No, because I wasn't present.

5 Q. That's right. And were there times
that Ben was still being injected, at that time, the fall
of 1985 by the B-12 and inosine compound without the
Furazabol being present?

A. At times, yes.

10 Q. Who was doing that injection?

A. Dr. Astaphan.

Q. So that Ben would go to Dr. Astaphan's
office, from time-to-time as far as you know, to be
injected on occasion by the B-12, inosine compound without
15 Furazabol and on other occasions, he was being injected as
far as you know again, by the B-12, inosine mixture with
Furazabol?

A. That is yes.

Q. Is that correct?

20 A. Yes.

Q. But you don't know what days he was
being injected by either of one?

A. Only the period of time.

Q. Yes. The cycles as you've described?

25 A. Yes.

Q. But more specifically, the B-12 and inosine was being administered or injected to Ben on a regular basis throughout the year, is that correct?

A. Generally, yes.

5 Q. So that Ben would go there frequently to be injected just with the B-12, inosine compound without the Furazobol being introduced?

A. That's correct.

10 Q. All right. You've mentioned to us that you took steroids personally in the '85/1986 year?

A. Yes.

Q. To see what effect it would have on you?

A. Yes, that's correct.

15 Q. Is that right? Why did you do it then? What was it that made you want to take steroids, anabolic steroids in 1985, 1986? You were no longer a competing athletes?

20 A. I was interested in getting back in shape and at the same time I was interested to see, you know, how the substance worked and so forth in comparison to Dianabol which I had been familiar with.

25 Q. And you were on that program for about three weeks -- I'm sorry, perhaps longer. How long were you on that program?

A. I believe a longer period of time than that. Perhaps six weeks.

Q. And you felt pretty good, I think, afterwards? Your strength increase and you felt better?

5 A. Yes, I got back in a lot better shape than I had been in.

Q. Were you also trying to find out whether you personally could observe any side effects so that you could be in a better position to advise your athletes?

10

A. Not specifically, no. I simply was -- I wasn't looking for side effects. I was more interested in the functioning of the steroid.

Q. So that the side effects of steroids in '85, '86 insofar as how it may effect your athletes was not one of your concerns at that time?

15

A. I believed, as I do believe now, that in low doses steroids did not have any side effects to which you've referred.

Q. It wasn't something that you gave any consideration to as late as '85 or '86, is that correct?

20

A. I was under the medical advice, and opinion, that in low doses they could expect no side effects.

Q. You talked to Dr. Astaphan about the

25

side effects as well?

A. Yes.

Q. And did Dr. Astaphan give you any advice about the side effects?

5 A. He felt that in low doses there would be no side effects.

Q. Did he give you that advice right away or did he say I have to do some research and look into it.

10 THE COMMISSIONER: What year are you talking about now?

MR. FUTERMAN:

Q. 1983, when you first saw him, in the fall of 1983?

15 A. His reason for looking into anabolic steroids was on the basis of efficacy as opposed to side effects and other things. To my understanding, I never heard it expressed by him that he felt there were side effects involved with low dose administrations of anabolic steroids.

20 Q. That's the first time you mentioned that he was concerned about the ethical ---

A. No.

THE COMMISSIONER: Efficacy. Whether it worked, whether it enhanced performance or not.

25

MR. FUTERMAN:

Q. I see. And did Dr. Astaphan tell you specifically that there was no side effects when dosages were given in small quantities or words to that effect?

5 A. Yes.

Q. And did you ask him that ever again? Was that just the first time, a second time? Did you discuss that from time-to-time with him?

A. No.

10 Q. You were satisfied that he had given you the right information?

A. Yes.

Q. That was consistent with the information you had received from time-to-time in the past?

15

A. Yes, it was.

Q. All right. Now, I understand that in 1986, this is sadly in some respects for you, Dr. Astaphan decides to go back to St. Kitts and practice medicine there?

20

A. That's correct.

Q. And you had trusted Dr. Astaphan, he had done a first class job for you up until that time in regulating both the steroid program and looking after any other needs of the athletes, medically speaking, is that

25

correct?

A. That's correct.

Q. When did Dr. Astaphan actually leave in 1986 to go back to St. Kitts?

5 A. Well, it's not exactly clear the time that he moved because we were in Europe for the Commonwealth Games and for a series of competitions later in the summer. He came back and forth several times.

10 Q. Did he still maintain his office here in Toronto?

A. No, he closed it.

Q. He closed it. Did you have any --

THE COMMISSIONER: But he came back and forth after he closed his office, you said?

15 THE WITNESS: From time-to-time, yes, he did.

MR. FUTERMAN:

20 Q. Did you have any warning that he was intending to go back to St. Kitts?

A. He had been discussing it for some time.

25 Q. And did you start to think about making other plans to get another doctor involved in your steroid program at that time?

A. Well, during that period he discussed the possibilities of opening a sports clinic in Toronto at which time he might return. It was my hope that, in fact, we would be able to remain in contact with the doctor and that he would be coming back and forth to Toronto sufficiently often that we could maintain the contact.

Q. Is it fair to say that from the time that Dr. Astaphan took over the injections of the steroids with your athletes, you felt better, not just from a clearance point of view, but you felt that you had somebody that knew what he was doing, injecting your athletes?

A. I felt that it was good to have someone there, more specifically in terms of any potential injuries or any -- anything that might crop up.

Q. I'm talking about the actual injection of steroids? Did you not feel better that you had a doctor injecting the steroids into your athletes rather than a layperson?

A. The injections themselves?

Q. Yes?

A. I didn't consider that a major consideration, no. I considered the follow-up of the athletes to be the significance factor in that case.

Q. So that as far as you were concerned,

any layperson can and should be able to inject another person with an anabolic steroid?

A. Depends on whether or not they are talking to a doctor. The point is to try and work through a doctor, if it's possible.

Q. Did you ever satisfy yourself personally as to the efficiency of the technique that your athletes were using?

A. In terms of the injections?

Q. Yes?

A. Yes, I was satisfied with the technique.

Q. Did you watch Tony Sharpe do it?

A. Yes, I did, at times.

Q. Was he good at it?

A. He injected me.

Q. Did it hurt?

A. No.

THE COMMISSIONER: What's his name.

THE WITNESS: Tony Sharpe. I think some of us have had worse from people in the nursing profession.

MR. FUTERMAN: I'll pretend I didn't hear that one, Mr. Commissioner.

MR. FUTERMAN:

Q. I was pleased to hear that you were nervous about injecting your athletes with a needle. You first did this in 1986, I think you injected Ben with a B-12 and inosine compound about three times?

A. That's correct.

Q. Is that right?

A. Yes, in Moscow.

Q. So, that when you first started injecting Ben, it was with the B-12/inosine vitamins?

A. That's correct.

Q. Ben was very much into vitamins, wasn't he?

A. That's correct.

Q. Ben really believed that vitamins were beneficial to his health and to his ability to run and to train, I suppose, as well?

A. Yes, he was very familiar with vitamins and was very concerned with the cycling of the vitamins and the types that were used at different times during the year, that's correct.

Q. We're talking about non-banned substances; we're just talking about vitamins now?

A. That's correct.

Q. Ben was a great believer that vitamins

were good for you as a runner and it helps you in your training?

A. That's correct.

5 Q. Would it be fair to say that he believed in vitamins far more than any of your other athletes did?

A. No, it would not be.

Q. Who else believed in vitamins to the same degree that Ben did?

10 A. Most of them.

Q. Most of them? Did they use vitamins to the same degree that Ben did?

A. Most of them did, yes.

15 Q. Did most of them walk around with this power pack as part of their standard equipment?

A. During the competitive period they were were often used by -- the same as Ben, Angella and Desai Williams and Mark McKoy.

Q. What about the training period?

20 A. They didn't use them all the time during the training period. Neither did Ben.

Q. Did Ben? All right. Did Ben -- did everybody take the B-12/inosine injections the same way that Ben did?

25 A. I would say so, yes.

Q. They came as regularly to Dr. Astaphan, as far as you know, as Ben did for that kind of injection?

A. Yes, I believe so.

5 Q. And, did you personally have any respect for the vitamins that Ben was using? Did you believe that these vitamins were helpful?

A. Yes, I did.

Q. Did you tell him that from time-to-time?

10 A. Yes, I did.

Q. Did you tell him that taking as many vitamins as possible would be good for him, in terms of his running and his training?

15 A. No, I did not. That is not necessarily true.

Q. Are you familiar with the vitamins that Ben was taking?

20 A. Yes, he had those power packs vitamins. He used to get them -- should we endorse them -- Joe Weider or whatever.

Q. Had you ever used them?

A. Sometimes.

MR. FUTERMAN: Excuse me, Mr. Commissioner, may I ---

25 THE COMMISSIONER: Want those identified?

MR. FUTERMAN: Yes.

THE COMMISSIONER: Is that the power pack
you were talking about?

5 THE WITNESS: Yes. There are three or four
types of them. That would be one of them.

MR. FUTERMAN:

Q. Is that the kind Ben liked?

A. It's one of them, yes.

10 Q. Is it fair to say that within this
power pack there are many different kinds of vitamins?

A. I would say, yes, that's correct.

15 Q. Do you know how many of these vitamins
Ben would take each day during the period of time of his
training?

A. Yes. During the competitive period,
there was an individual package within that large outer
package.

Q. Yes?

20 A. Which you might show? And the ---

MR. FUTERMAN: Perhaps we could have the
entire package marked as Exhibit 119?

THE REGISTRAR: 120.

25 THE COMMISSIONER: 120. Let's get them to
put a label on it.

THE WITNESS: I might point out that there are a number of individual packets within the overall package and each subpackage would have a day's supply that were to be taken.

5 THE COMMISSIONER: What are these, B -- all vitamin B or?

THE WITNESS: Multi-vitamins. They have a listing on the back of the package what's in them.

10 --- EXHIBIT NO. 120: Package containing multi-vitamins

MR. FUTERMAN: Did you want to see them, sir?

15 THE COMMISSIONER: No, I can see them from here and we might nibble on them at noon.

MR. FUTERMAN: I'm sorry, Mr. Commissioner, I didn't hear you. I know it was funny and I was supposed to laugh, but I didn't hear you.

20 THE COMMISSIONER: Well, you don't have to laugh.

MR. FUTERMAN: Everybody else did. I thought I was missing something.

THE COMMISSIONER: I'm sorry.

25

MR. FUTERMAN:

Q. Perhaps, if you don't mind, Mr.

Francis, if you can help me by just reading the back of this package and tell us some of the vitamins that appear to be in them and the kinds of vitamins that your athletes were taking?

A. Well, they have all of the multi B vitamins, folic acid, Biotin and so on, choline and inositol....

Q. Perhaps we can stop as we go through each one of them. Can you tell us what they're for, as far as you know?

A. Choline helps the production of additional -- acetylcholine, it helps -- it's the fluid in neural transmission so that it's good for the firing of the muscles and so forth.

And it's also heavily contained in fish. This is why they say fish is supposed to be brain food. I should have had fish last night.

There are many different products here some of which are pretty peripheral as far as I can see. Obviously it has the traditionally A and D vitamins, vitamin E, and it has all of the trace minerals and so forth. And also has amino acids which may be missing in other parts of the diet.

Q. All right. Perhaps we can take that away from you for the moment?

THE COMMISSIONER: Thank you.

THE WITNESS: Safe a pack for me for lunch.

5

MR. FUTERMAN:

Q. Do we have an extra one?

A. I might point out that Ben, like most of the athletes, liked to take them for a period of time before the bigger competitions, particularly, in Europe where you might have a deficiency in the diet compared to the sort of diet would you get in North America.

10

Most of them would take a multi-vite compound throughout the year, perhaps one tablet type of thing, and then during the competition period they will use these vitamins.

15

Q. All right. So that the vitamins was a regular part of the treatment during the training program that these athletes were receiving. They were taking the vitamins, they were taking the B-12 mixture, inosine injections and they were also taking the anabolic steroids that you've described?

20

A. That's correct.

Q. All right. Now, did you, at any time, become concerned that you were injecting your athletes and

25

you were not a doctor?

A. No, I did not because I was following the advice of a doctor who had given me instructions.

5 Q. Did Dr. Astaphan give you written authority to inject these athletes?

A. No, he did not.

Q. Did you ever get written consent from any of your athletes to be injected?

A. No, I did not.

10 Q. Did you ever ask anybody whether you had the authority to do what you were doing?

THE COMMISSIONER: Do you need that, Mr. Futerman? A lot of people --

15 MR. FUTERMAN: If you're instructed by a doctor.

THE COMMISSIONER: Diabetics take needles all the time, I think, without the doctor. I don't know. You're putting it as if nobody can use a needle without -- except doctors.

20 MR. FUTERMAN: I don't think you can get a syringe -- at least I couldn't when I tried to get one to find out if they are available in drug stores.

THE WITNESS: You can go to Starkman's Medical Supply, if you want to.

25

MR. FUTERMAN:

Q. They'll give you a syringe without
gettin ga doctor's consent as to why you want to use it?

A. Yes.

5 Q. Do you have to tell them why you want
to use it?

A. Not to my knowledge.

Q. All right. Well, we'll check that
because I was under the impression that ---

10 THE COMMISSIONER: I didn't know -- I'm not
sure how relevant it is here. I'm not sure that there's
anything that you're required only a doctor can -- we know
nurses do it all the time.

MR. FUTERMAN: I know that.

15 THE COMMISSIONER: And people who are
diabetics ---

MR. FUTERMAN: Yes, diabetic differently use
it.

20 THE COMMISSIONER: They do it themselves, I
think.

MR. FUTERMAN: If you get a doctor's
certificate, as I understand it, and I don't know this for
sure....

25 THE COMMISSIONER: You've certainly got a
doctor and he did inject some athletes.

THE WITNESS: Yes, and the doctor supplied the needles and the instructions and I followed the instructions.

5 MR. FUTERMAN:

Q. All right. As you were injecting them from time-to-time, did you discuss with Ben that you were giving him the banned substance, that you were giving him an anabolic steroid at that time? This the first time
10 you've taken over the program of injecting Ben. Did you tell him now that you were giving him anabolic steroids as you were injecting him?

A. This would be in the fall of '86.

Q. Well, I don't know when you started the
15 program.

A. Well, it would be perhaps the spring of '87 because at times Dr. Astaphan was there. I'm not exactly clear.

Q. When did you first start to inject Ben
20 Johnson with anabolic steroids?

A. On a routine basis, I believe it would have been the spring of 1987.

Q. The spring of '87. Did you inject him
at all in 1986?

25 A. With the inosine and B-12, that's

correct.

Q. Just the inosine and B-12 in '86?

A. That's correct.

5 Q. Who was injecting him with the anabolic
steroids, the Furazabol or Estragol in 1986? Was that
still Dr. Astaphan?

A. Yes.

Q. That would be in the spring, I gather?

A. Yes.

10 Q. In his office?

A. That's correct.

Q. You were not present?

A. No, I was correct.

Q. You don't know what was discussed?

15 A. No, but I had discussions with him, as
we've gone over.

20

25

Q. But you were not present when the injections were being administered to Ben?

A. No, I was not.

Q. And I gather the next steroid program
5 or cycle was to take place in the fall of 1986?

A. That would be correct.

Q. And at that time Dr. Astaphan was gone?

A. Well, we went with him at that point.
When the administration of steroids began at that time, in
10 fact it was in St. Kitts, and we were there with Dr.
Astaphan. At that time he did the injections of the
athletes.

Q. All right. This was in St. Kitts?

A. That's correct.

Q. And he was injected at that time once
15 again with the B12 mixture with inosine or the B12-inosine
mixture and the Furazabol or Estragol; is that correct?

A. That's correct.

Q. Were you present when these injections
20 were taking place?

A. No, I was not.

Q. And how long were you in St. Kitts?

A. I believe we were there two weeks.

Q. But as you have said earlier, during
25 the entire season in 1986, Ben was still being injected

with the B12-inosine mixture by you; is that correct?

A. Only when I was in Moscow at that time because there was no one else available. When we returned, I believe I gave him some further shots. He got
5 them from me or perhaps the other athletes.

Q. Sometime in 1986, you believe that Ben again received Winstrol or stanozolol tablets; is that correct?

A. Yes, it would have been the fall of
10 1985 going into the '86 season.

Q. And I understand this was Dr. Astaphan's idea?

A. Yes.

Q. And did you discuss with Dr. Astaphan
15 what happened the last time these tablets had been introduced to your runners?

A. Yes.

Q. And did you tell him it made them
stiff?

A. Yes, I mentioned that to him.
20

Q. And did that concern Dr. Astaphan?

A. He only mentioned that in fact he wanted to use it at the commencement of the training program as a stacking agent in a dose of 4 milligrams for
25 a period of two weeks simply to enhance the effects of the

injectable drug.

Q. Did you have some concern about that?

A. Well, at the time I would be able to monitor indeed the fact that they are training adversely.

5 Q. Aside from their training, we heard last time it made them stiff. Did that not concern you, that the use of stanozolol or Winstrol might make them stiff again?

A. Yes, I wanted to watch it very closely.

10 Q. Did you tell your athletes that they are going back to the same tablets or drugs that made them stiff some three years before?

A. Only Ben used it.

15 Q. Did you tell Ben that you are putting him back on stanozolol?

A. I didn't put him back on stanozolol. The doctor did and gave him a supply on his own which was referred to as Winstrol, and he had the bottle himself.

Q. Were you present when that happened?

20 A. No, I was not.

Q. Do you know what the doctor told him?

A. He told him to take 4 milligrams per day for two weeks.

25 Q. Do you know what the doctor told him because you'd spoke--

A. Because Ben told me.

Q. Ben told you. What did Ben tell you?

A. That he was to take the Winstrol for two weeks at a dosage of 4 milligrams per day.

5 Q. Did he say anything else about Winstrol? Did he make any comments about Winstrol, what kind of drug it was? Did he say it was banned?

A. No, he did not.

Q. Did you say it was banned at that time?

10 A. No, it was assumed because we'd had the discussion earlier about Winstrol back in 1982.

Q. So that based on the '82 conversation, at that time you told him it was banned and you assumed he still would know that?

15 A. Yes, he knew it was an anabolic steroid.

THE COMMISSIONER: But it was to be used as a stacking agent at that time, not by itself?

THE WITNESS: That's correct.

20 THE COMMISSIONER: And stacking with what you've called Estragol?

THE WITNESS: Yes, that's correct.

MR. FUTERMAN:

25 Q. You say he mentioned Winstrol by name.

A. Yes, he did.

Q. Did he ever use stanozolol by name?

A. No, he did not.

5 Q. And did he take the Winstrol home with
him?

A. Yes, he did.

Q. And other than what he may have said to
you, do you have any firsthand knowledge by actually
seeing him take the pills that he actually took them?

10 A. No, other than his conversation that
within a very short period of time, that they were
beginning to make him stiff and he was going to cease
using them approximately ten days into the first treatment
period.

15 Q. When did he notice that it was making
him stiff?

A. Just when he stopped around the tenth
day. He said it was beginning to feel more stiff, and I
suggested that he not complete the two weeks.

20 Q. Was any other athlete at this time
using the stanozolol or Winstrol besides Ben?

A. No.

Q. And when you heard that it was making
him stiff, you told him to stop immediately or did you
25 tell him to continue for ten days?

A. No, it was around the tenth day that he said it and I said don't take anymore.

Q. This was the second time you knew that stanozolol or Winstrol made him stiff?

5 A. Yes.

Q. All right. Now, your evidence last Thursday was that Ben didn't attend regularly for these injections and he never took the full amount that he was scheduled to take. Did this require you to adjust his training from time to time?

10

A. Not necessarily.

Q. Why not?

A. He seemed to have a sufficient amount of it, as near as I could tell. He never seemed to be fatigued or never seemed to have any problem with his training to be aware of this.

15

Q. Your way of determining if someone needs an adjustment of their training is by the way they're acting when they are training. How quickly they're running, how they are moving. Is there a technique that you look for?

20

A. How their weightlifting is going, how they are recovering between sessions, whether they appear to be fatigued by particular types of work, a variety of different methods. It's very dependent on which of the

25

individual training components indeed you're looking at.

Q. After the fall of 1986, Dr. Astaphan was the one in charge of the anabolic steroid program; is that correct?

5 A. Yes, that's correct.

Q. And in March and April of 1987, you were again injecting Ben with B12 mixtures; is that correct?

A. Yes.

10 Q. And inosine as well as injecting him with B12 mixtures, inosine and Furazabol?

A. Yes.

Q. At that time had you found another doctor? It was obvious that Dr. Astaphan was not
15 returning to Toronto. Did you find another doctor to look after your athletes?

A. Well, no, it's not obvious that Dr. Astaphan was not returning to Toronto. Throughout this entire period, he had had discussions about the
20 possibility of opening a clinic in Toronto. Indeed, he had discussions with Waldemar Matuszewski about the possibility of opening a sports clinic, and they had investigated on occasion different sites, and I was hoping that, in fact, he would be coming back.

25 Q. Mr. Francis, whether or not he was

going to come back, at that particular time, is it fair to say there was no medical doctor that was looking after the steroid program or the medical needs of your athletes to your knowledge?

5 A. On a routine basis, no. But Dr. Astaphan did come back to Toronto on numerous occasions.

 Q. Well, was he looking after them as he came back?

 A. Yes, he would look. But of course
10 whether that's adequate, obviously I would say it's not adequate. I would certainly prefer that he be back on a regular basis, but at any time I was hopeful that, in fact, he would be opening up a practice in Toronto again.

 Q. But the fact is, Mr. Francis, that
15 during parts of 1986 and all of 1987, there wasn't any specific medical doctor looking after your athletes so far as anabolic steroids were concerned or insofar as monitoring their health?

 A. In terms of the monitoring, they had to
20 go to their own personal physicians. In terms of the regime, I was still in contact with Dr. Astaphan and he was coming to Toronto from time to time.

 Q. Did you tell your athletes that when
25 they go to see their doctor, that they should ask for blood tests or liver tests?

A. I told them they should get routine blood tests, yes.

Q. And to your knowledge did they do this?

A. It was my understanding that they did.

5 In fact, on occasions Ben would say oh, I am feeling a little run down. I'm going to get a blood test or whatever, so I assumed he was very regular, and indeed he--

10 Q. Were you aware of who his family doctor was? Do you know if he had a family doctor?

A. I know he had a family doctor. He mentioned him at times. He mentioned he had physicals there several times a year.

15 Q. Did you ever speak to his family doctor?

A. No, I did not.

Q. Did you ever discuss with Ben after he saw this family doctor what the results were?

20 A. No, not specifically. He would just say, you know, everything's fine or something. He never went into any specifics about his medical exams.

Q. Did your other athletes ever go to see family doctors as well after Dr. Astaphan left?

A. Yes, they did.

25 Q. And you are saying that Ben always told

you everything was fine after he came back from seeing a family doctor?

5 A. Well, he didn't always mention it, but sometimes he would say I had a blood test and my blood's normal, on occasion, but he wouldn't discuss each time he went.

 Q. But your evidence is that Ben never told you there was anything wrong with him after any of these examinations by the doctor?

10 A. That's correct.

 Q. Or that they were doing any further tests about anything after seeing his doctor?

 A. No, he did not.

15 Q. All right. The bottles, aside from the one that you described earlier, I gather when Dr. Astaphan left, I think you said earlier that he had left you with some bottles of Furazabol, Estragol that you were using to inject your athletes with?

 A. That's correct.

20 Q. And there weren't any labels on these bottles obviously except for the one you described before?

 A. No, there were no labels.

 Q. And other than the one that you said that Ben had with him, did anyone else have a bottle?

25 A. Occasionally Angella had a bottle that

she kept at home also.

Q. In the spring of 1987, you said that Ben was also taking Winstrol tablets?

A. That's correct.

5 Q. And is it fair to say that you personally did not see him take any of the tablets but he told you? You say from time to time he was taking these tablets?

10 A. Yes, he mentioned he started to take them.

Q. And that also in the spring of 1987, B12 and inosine was a regular part of the injections he was receiving on a regular basis?

A. That's right.

15 Q. I am not quite clear, and perhaps I wasn't listening carefully enough, but the B12 and inosine injections were given all through the year, not just in the training period. Is that not accurate?

20 A. That's correct, yes. Not as often. For example, he might have one every two weeks or something like that, or one a week, but closer to the competition, they might be more frequent.

25 Q. But that could be as much as 50 or 52 weeks a year that he was injected with the B12 and inosine compound?

A. Perhaps 30 weeks or so.

Q. And that could be as much as two or three times a week?

A. At times, yes.

5 Q. So that would be as much as 60 to 90 times a year when you were doing the injecting?

A. Not unless he was getting three shots every week for the whole period.

10 Q. Well, two or three times. 60 to 90 you say?

A. No, you have sometimes where he is going every second week and he is getting a shot. Sometimes it's three.

Q. Well, let's be fair then.

15 A. Let's say 60 shots.

Q. Sixty shots in course of the year were just the B12-inosine injections?

A. No, that would be the total of all shots.

20 Q. Let's talk about the B12-inosine injections without any anabolic steroid being mixed in.

A. More than half.

Q. Well, was it 50?

A. More than half of the shots.

25 Q. If we are just to look at 1987 at the

mixture of B12, inosine and Estragol, how many times was Ben injected in 1987 with that mixture?

A. About 25 times perhaps.

Q. And that was on the basis of three
5 weeks on three weeks off?

A. No. He was to go to three shots per week for three weeks, two shots a week for the subsequent three weeks, but he seldom went the whole course.

Q. That would be 15. He seldom went the
10 whole course?

A. Yes.

Q. So he would take less than the 15?

A. Yes, that's correct.

Q. And there would be another one in the
15 fall; is that correct?

A. Yes, that's correct.

Q. So at least half of the time, more than half of the time that he was being injected, it had nothing to do with anabolic steroids?

A. That's correct.
20

Q. All right. Now, was it 1987, and I gather that Ben had become, as you described before, an international star and he had other commitments in 1987. He was out of the country a great deal.

A. Mostly in the fall of '87 into the '88
25

year when he began to rise to prominence. It was really only the last year where he really was travelling a lot.

Q. And he would be travelling without you being there; is that correct?

5 A. That's correct.

Q. And in the fall of 1987, how frequently was he out of Canada just for matters unrelated to running in any competitions?

A. Quite frequently.

10 Q. And do you know whether or not he was on a steroid program while he was out of the country?

A. No, he was not. Not to my knowledge.

15 Q. All right. When he came back after being out of the country, from time to time did he go back to training?

A. Yes, he did.

Q. And did you go back to injecting him with B12-inosine?

20 THE COMMISSIONER: This is the fall of '87 now?

THE WITNESS: In the fall of '87, late fall, yes. And the Estragol--

MR. FUTERMAN:

25 Q. Was he having any difficulty--

THE COMMISSIONER: He has not finished answering the question. The reporter's having trouble keeping up with both of you, so I know it's hard to do. We'll just wait for him to finish the answer. I didn't
5 hear your answer. In the late fall of '87 you're talking about now.

THE WITNESS: Yes, that's correct. The B12, the inosine and the Estragol.

10 MR. FUTERMAN:

Q. And for how long did that take place in the fall of 1987?

A. About three weeks.

15 Q. And during that period of time, was he showing up on a regular basis to your apartment?

A. Random.

Q. He would come sometimes and not show up on other times?

A. That's correct.

20 Q. Did that concern you?

A. Well, if he was training well, it wasn't a major concern. It would concern me more if he was taking more on his own than if he was taking less.

25 Q. The evidence I understand is that he wasn't--

A. As long as he was training--

Q. I'm sorry. I guess there is a hesitation and sometimes I think he finishes his answer and then he goes on. Mr. Francis, I want to be--

5 THE COMMISSIONER: Give him a few seconds.

MR. FUTERMAN: I will count to three and you do the same for me. How's that? Are you finished the answer?

10 THE COMMISSIONER: You said something about where you would be less worried about him taking less than taking more on his own. Is that what you said? Something like that?

THE WITNESS: Yes, that's what I said.

15 MR. FUTERMAN:

Q. Just so I'll understand, in 1987, he was out of the country a great deal. He came back for about three weeks for training; is that correct?

20 A. No, he was training more than that. He went on the steroid program for about three weeks.

THE COMMISSIONER: Wait a minute. I thought earlier you told us that at one stage in--the answer was six weeks at times.

25 THE WITNESS: Normally, yes, but in this particular occasion, he didn't have the full period of

time available that the other athletes did because he was in and out of the country so much.

THE COMMISSIONER: I see. So we are now in the late fall of '87 and that means we are getting to the '88 season; is that right?

THE WITNESS: That's correct.

THE COMMISSIONER: So this is part of the training program, and looking at your chart, it shows, sir, it would be a three-week steroid program I think within that training program?

THE WITNESS: Yes, and at the beginning of the training period where the weightlifting and the short speed work would occur, that's correct.

THE COMMISSIONER: All right.

THE WITNESS: Obviously this was an abbreviated training period because of the--

MR. FUTERMAN: Because of his other commitments?

THE WITNESS: Yes.

THE COMMISSIONER: Where is he headed for then?

THE WITNESS: All over the place.

THE COMMISSIONER: No, I mean you're training him for any particular competition in the late fall of '87?

THE WITNESS: Not in the late fall, no.
The early January period was the competition period.

THE COMMISSIONER: I do not mean to
interrupt. When would the next training period be after
5 the fall of '87?

THE WITNESS: Well, he was training until
the competition started in January, but he did have to
make several additional trips during that period as well.

THE COMMISSIONER: I'm sorry, Mr. Futerman.
10 I am trying to get the chronology.

MR. FUTERMAN: That's fine, Mr.
Commissioner.

Q. Were you not somewhat concerned that
15 two things were happening. Ben was away a great deal from
training physically because of these other commitments,
and the second thing that was happening that seemed to
be--

THE COMMISSIONER: I don't mean to
20 interrupt again. Are these commitments for competitions
or are these with his endorsement program?

THE WITNESS: Various endorsements, things
he was doing.

THE COMMISSIONER: This is the endorsement
25 schedule that he had?

THE WITNESS: Yes.

THE COMMISSIONER: And he already had an agent at that time?

5 THE WITNESS: Yes, he had had for several years.

THE COMMISSIONER: And there are a lot of business transactions then going on apart from the training?

10 THE WITNESS: During the period after Rome, yes.

MR. FUTERMAN:

15 Q. At that particular time, two things concerned you. Number 1, he was away from his training a great deal in the fall of 1987, and number 2, that he was on a reduced steroid program because he was only there for three weeks as opposed to the regular six; is that correct?

20 A. No, there were several factors involved. One, he had a fair number of commitments; two, he had taken more time off than I would have preferred. Obviously he had a very busy year in '87. He took more time off training than the other athletes, and I was somewhat concerned because during his return to training,
25 we could expect potentially further interruptions so I had

wanted him to start training a few weeks earlier. But within the period available, he had a sufficient amount of time that he could do three weeks of anabolics and then he would continue on with the rest of his training without them.

Q. I guess it was more important than ever that he show up on a regular basis to your apartment, at least for those three weeks?

A. Well, yes, on all bases, both the training and to the--

Q. And Ben must have understood that?

A. Yes, I believe so.

Q. You would explain that to him, that because he was away so much, he was on a reduced training schedule and that he was on a reduced anabolic steroid program, therefore whatever program you had time for, it was essential that he attend. Would you not have made that clear to him?

A. Well, yes, I attempted to get him to come on a regular basis, but it's more important in the training aspect.

THE COMMISSIONER: Let him answer again.

A. My main concern was the training period because after all, if he took less anabolics, he might simply not run as fast, but that wasn't as much of a

concern as making sure he had the proper training in place for the most important period which would ultimately occur in the summer.

5 MR. FUTERMAN: You know, I guess the witness can answer the question any way he sees fit. My concern is that I'm not getting the answer to the question I am asking, and I think I have a right to interrupt him.

THE COMMISSIONER: I'm sorry. I thought you were. Put the question again.

10 MR. FUTERMAN: With respect, I don't think I am.

MR. McMURTRY: It's quite clear that he is getting the answer.

15 THE COMMISSIONER: I thought he has answered your question. Perhaps you haven't framed in the way you thought you'd intended to frame it.

MR. FUTERMAN:

20 Q. Were you concerned that since Ben had all these other commitments, and that it was more essential than ever because of the reduced period of time that he was on an anabolic steroid program as well as a training program, that he should attend for his steroid injections on a regular basis during that three weeks?
25 Was that a concern to you?

A. Yes, it was.

Q. And that was something Ben should have understood?

5 A. Well, certainly I was trying to bring the point home to him, yes.

Q. Notwithstanding that, Ben still did not come to your apartment on a regular basis?

A. That's correct.

10 Q. Did that suggest to you that Ben didn't understand what you were saying to him?

THE COMMISSIONER: Mr. Futerman, that's stretching it. He obviously neglected doing so. It doesn't mean he wouldn't understand it. You can't stretch this thing too far.

15 MR. FUTERMAN: Surely this witness on many occasions has told me what Ben understood. He can certainly tell me what Ben didn't understand.

20 THE COMMISSIONER: He says he was to come and he doesn't come. That doesn't mean it's because he doesn't understand it. Apparently because he has other things to do. I don't understand how you can put those questions. Go ahead.

25 MR. FUTERMAN: With great respect, sir, I think that when he was asked before, as he was many times by Commission counsel, if Ben understood certain things, I

say that if Ben--if this gentleman can tell us what Ben understood, surely he can tell us what Ben didn't understand.

5 THE COMMISSIONER: Well, I don't know, but
you're asking whether he understood the instructions Mr. Francis gave him to come regularly. Is that the question? Is that the question, that whether he--Mr. Francis has told us that he asked him to come, it was important that he come regularly for this period of time. He didn't do
10 so. And your question is did he understand what Mr. Francis asked him to do. Is that what you are saying?

MR. FUTERMAN: Well, let's ask him that question.

15 Q. Did Ben understand what you asked him to do, that you wanted him to be there on a regular basis?

A. Yes, he did.

Q. But notwithstanding that, he didn't listen?

20 A. That's correct.

Q. Did you discuss it many times with him?

A. Yes, that was the beginning of many discussions during that season.

Q. And what did Ben say to you?

25 A. He said he was very tired, he had had a

lot of travelling and simply, you know, wasn't going to be--he wanted to start his training later in the year. We had a considerable discussion about that, and he was absolutely adamant on the fact that he would not train at the starting date that I had originally planned for him.

Q. Is it fair to say that this was a source of concern for you at that time?

A. Yes, it was, because he had committed himself to run in many races in the winter. If he didn't want to train over that long a period of time, then let's curtail some of the competitions.

Q. And did you?

A. He didn't want to.

Q. So that notwithstanding that Ben was not training to the same degree that he should have been and was not on the appropriate anabolic steroid program, you did not curtail his competition?

A. I wanted him to limit his competitions, yes.

Q. Well, did he limit his competitions?

A. No, he did not.

Q. And that was his idea?

A. That's correct.

Q. You encouraged him not to go to some of these competitions in early 1988?

THE COMMISSIONER: Were these commercial engagements? Was Ben being paid for these meets?

THE WITNESS: Yes, but they were competitions and also commercial engagements as well.

5 THE COMMISSIONER: But at these meets, would Mr. Johnson get paid?

THE WITNESS: Yes, I would say so. He would be paid in the competitions, but of course he could simply substitute a competition for an appearance. It
10 wouldn't make any difference in the financial aspect, if that's what he wanted. The only question would be in fact if his training was sufficient to carry on the same number of races that he wanted to run in 1987. He wanted to follow the same competitive schedule he had in 1987.

15 THE COMMISSIONER: Following up Mr. Futerman's question, you suggested he curtail what?

THE WITNESS: I felt that it would be better to run a few less competitions in the indoor period if, indeed, he was going to be a little bit short in the
20 work. He wanted to follow the competitive schedule the same way he had in 1987 as closely as possible, and he felt that he would be able to get ready for those competitions very quickly because of the amount of fitness he had coming from the year before.

25

MR. FUTERMAN:

Q. During the training period, did you notice that Ben was ragged? Was he having any difficulty?

A. No, he was not at that time. In fact,
5 I was quite surprised how quickly he rounded into shape.

Q. Now, during the entire year of 1987, did you ever check with Ben whether he had his blood test?

A. I didn't check with him, but he said to me that he went to his doctor and had a checkup and he
10 told me twice that he went.

Q. Did Ben tell you that he was seeing his doctor in late 1987 for a certain test?

A. No, he did not.

Q. Did Ben ever tell you that he was
15 having any problems in respect to any part of his anatomy in late 1987?

A. No, he did not.

THE COMMISSIONER: The latter part of '87?

20 MR. FUTERMAN:

Q. The latter part of 1987?

A. No, he did not.

Q. With your permission, Mr. Commissioner,
I don't want to mention the doctor's name at this time
25 until I am advised by Commission counsel, A., that they

intend to call him, and secondly, that he has been advised. I would just like to read from a report that he has followed. I wanted to show you the report.

5 THE COMMISSIONER: I don't think you should do that unless you're going to call the doctor because how would this--

MR. FUTERMAN: I would be delighted to call the doctor, sir. It's up to Commission counsel.

10 THE COMMISSIONER: How would this witness know what's in the doctor's notes?

MR. FUTERMAN: I am going to read it to him, sir.

15 THE COMMISSIONER: That still wouldn't tell him anything. You can ask him whether Mr. Johnson ever discussed any conditions with the witness, that's all.

MR. FUTERMAN: I just want to refrain from mentioning the doctor's name at this time.

20 THE COMMISSIONER: I am not going to have you confront the witness with a report of a doctor unless you call the doctor.

MR. FUTERMAN: I will be happy to call him, but it's not up to me to call any witnesses.

25 THE COMMISSIONER: I understand. I don't know what the point is. You can ask him whether he discussed his condition with you.

MR. FUTERMAN: That's what I intend to do.
I am not going to mention the doctor's name at this time.
I would be delighted if the doctor is called, but--

THE COMMISSIONER: I'm assuming this is
5 Mr. Johnson's doctor?

MR. FUTERMAN: Yes, it is.

MR. ARMSTRONG: Mr. Commissioner, this is a
document that I assume we have given to Mr. Futerman. I
would just like an opportunity to look at it again. I
10 haven't looked at it for a while.

THE COMMISSIONER: I'm not being difficult,
but I don't know how a witness could--you can ask him
whether Mr. Johnson ever complained about this condition
or that condition or whatever conditions reported there.

15 MR. FUTERMAN: Sir, I intend to do that,
but when I start reading from the report and mentioning
certain facts that are in that report, normally I file
that report afterwards and mark it--

THE COMMISSIONER: I have given you great
20 leeway, Mr. Futerman, but with all respect, we have to
comply with some rules, and I don't know any rule which
would say I am going to put a report to this witness who
has not discussed the matter with the doctor, and I will
take your statement, if you want to, that Mr. Johnson
25 attended his doctor in '87 and had some problems.

MR. FUTERMAN: Well, since Mr. Armstrong would perhaps like to look at the report and the accompanying exhibits to it. Perhaps we can discuss this after.

5 THE COMMISSIONER: We may not have to call the doctor. But all right, we will adjourn until 2:30.
--- Upon adjourning.

10

15

20

25

--- Upon resuming.

THE COMMISSIONER: Mr. Futerman.

MR. FUTERMAN: Thank you, sir.

5 BY MR. FUTERMAN:

Q. Mr. Francis, we are going to take you
back to October, 1987, if we may.

THE COMMISSIONER: October '87?

10 MR. FUTERMAN: October 1987, Mr.
Commissioner.

BY MR. FUTERMAN:

15 Q. In October, did Ben tell you that he had
seen his family doctor and that his family doctor had
advised him that he had a mild gynecomastia of the left
breast?

A. No, he did not.

THE COMMISSIONER: What is that?

20 MR. FUTERMAN: That's a swelling of the left
breast.

THE COMMISSIONER: Fattening of the tissue of
the --

MR. FUTERMAN: Fattening of the tissue of the
left breast.

25

BY MR. FUTERMAN:

Q. Did he tell you as well or did he mention to you that the doctor asked him if he had been on anabolic steroids?

5 A. No, he did not.

Q. Did he tell you at that time that he denied to the doctor that he had been on anabolic steroids?

A. No, he did not.

Q. Does it surprise you today, Mr. Francis, 10 that if these were the conditions that a doctor found in respect to Ben Johnson --

MR. McMURTRY: How would Mr. Francis --

MR. FUTERMAN: No, I am asking the question --

15 MR. McMURTRY: -- know this.

THE COMMISSIONER: I haven't heard the question yet.

MR. McMURTRY: If there's been no discussion.

THE COMMISSIONER: I don't understand -- go 20 ahead. What's the question, please, Mr. Futerman.

BY MR. FUTERMAN:

Q. Knowing Ben Johnson as you do --

THE COMMISSIONER: I don't know what 25 significance of Mr. Johnson telling the doctor that he

wasn't on steroids --

MR. FUTERMAN: No, that's not the inference.

THE COMMISSIONER: -- because the doctor obviously suspected by what he saw.

5 MR. FUTERMAN: That may become evident afterwards, Mr. Commissioner.

THE COMMISSIONER: Go ahead.

BY MR. FUTERMAN:

10 Q. Mr. Francis, your relationship with Ben, would that suggest to you that if there had been such a medical problem, that he would have told you about it?

A. Excuse me.

15 THE COMMISSIONER: I don't understand the question?

THE WITNESS: I don't understand the question.

THE COMMISSIONER: You asked him -- you asked Mr. Francis whether Mr. Johnson told him about this.

20 MR. FUTERMAN: That's right.

THE COMMISSIONER: He said no.

BY MR. FUTERMAN:

25 Q. If these were the medical problems, if

there was a medical condition that was found by a doctor, would you expect that Ben would have told you about that condition?

5 A. I would have expected him to tell me, yes, and to tell his doctor he was taking anabolic steroids as well.

Q. All right. In any event, that was never mentioned to you?

A. No, it was not.

10 Q. May I take you now into 1988, February, 1988, and we are talking about, and I am probably going to mispronounce this but Sindelfingen, West Germany?

A. Sindelfingen, yes.

15 Q. That's where he apparently suffered the hamstring pull in sometime in the middle of February 1988; is that correct?

A. Yes, that's correct.

20 Q. And this is when he -- although Waldemar at that time was treating his leg three times a week in Europe, Ben decided to come home, to Toronto, and then to go to St. Kitts with Desai Williams, who I understand, originally came from that island; is that correct?

A. No --

Q. That is not correct?

25 A. -- initially he went further to maintain

treatment with Waldemar Matuszewski to Karlsruhe, which was the next stop on the circuit, where of course, he didn't run, and also to Italy in Geneva.

5 Q. Now, then, ultimately he came back to Toronto?

A. That's correct, yes.

Q. How long after was that, approximately?
After he injured his hamstring?

A. Oh, well, let's see, five days.

10 Q. And was this a minor hamstring pull as far as you were concerned?

A. My belief was that it was minor, yes, as I was advised by Mr. Matuszewski.

15 Q. Yes, he was the only one that saw or treated the hamstring pull?

A. At that point, yes.

Q. You didn't send Ben to a doctor, a medical doctor, to determine how serious the hamstring pull was; is that fair?

20 A. Yes.

Q. All right. You assumed that Waldemar was in the best position to assess that?

25 A. Yes, I mean, on the basis of his experience and dealing with hamstring problems. He felt it was a severe cramp which might have some tissue damage in it

with an inflammation of the tendon caused by the cramping effect.

Q. Well, forgive me, I am not as familiar perhaps with these terms as you are. A hamstring pull and a
5 cramp don't sound like the same to me.

A. No, they don't.

Q. Are they?

A. No, they are not.

Q. Well, was it a hamstring pull or was it a
10 cramp?

A. Our initial understanding of it, as I may point out to you, it's not always apparent immediately post trauma whether indeed an athlete has suffered a cramp or a pull. The treatment mode is the same: ice,
15 immobilization--

Q. Rest?

A. -- rest, move -- treatment to try to remove any edema from the tissue, muscle stimulation techniques that would reduce inflammation and so forth. And
20 these measures were carried out.

Q. But was the determination made by Waldemar or anyone else as to whether we were dealing with a cramp or a hamstring pull ultimately?

A. Ultimately the decision was that there
25 had been some fiber damage, yes.

Q. Yes, so it was more than a cramp. It was a hamstring pull or something worse; is that correct?

A. It was a strain of the hamstring, yes, which would be considered a hamstring pull.

5 Q. It wasn't a cramp. Now, I think you said earlier that Ben had been very, very busy in the fall of 1987. Is it fair to say he was fatigued?

A. Yes.

10 Q. Yes. And in 1988, he immediately started into the indoor season, not immediately, perhaps, but sometime in early 1988 he was already into the indoor season?

A. Yes.

15 Q. And is it fair to say he was fatigued then?

A. I would -- I would say he was getting fatigued.

Q. Yes.

20 A. It was not apparent by his performances. Indeed up to the injury in Sindelfingen because very obviously he was performing at an extremely high level.

THE COMMISSIONER: This is February '88, now.

25 THE WITNESS: When the injury occurred. In fact, he ran in the semifinal at 6.46 which was one of the fastest times ever recorded. No one has been under 6.50

other than him. And in the final, he pushed a little too hard and he strained his hamstring.

BY MR. FUTERMAN:

5 Q. But fatigue isn't always obvious. I mean you are performing at a very high level now, and you have been in this witness box now for almost two weeks --

THE COMMISSIONER: Fatigue sometimes becomes obvious.

10 MR. FUTERMAN: That's right. You and I know about that, sir.

BY MR. FUTERMAN:

Q. Was he fatigued in February 1988?

15 A. I believe that he -- that -- I don't know if fatigue is the correct word, but my feeling was that I was somewhat suspicious as to whether he had a sufficient amount of base training behind him to maintain his performances. However, his initial competition performances
20 had been so high that I wasn't sure whether I was correct or not.

In fact opening up for the world record, in his very first performance made me wonder if I was correct.

25 Q. But more importantly, as you have said many times, he was in a better position to know his body

than you were?

A. I would say so.

Q. In any event, Ben thought that it was in his best interests physically and perhaps mentally as well to go to St. Kitts to take a holiday; is that correct?

A. Once he was home, yes, that's correct.

Q. He ultimately came back to Toronto. When was that?

A. Perhaps two weeks later.

Q. And were you in favour of him going to St. Kitts for a holiday, or were you concerned about it?

A. I was concerned that he would go without taking Waldemar with him.

Q. And that was because you felt Waldemar was the best therapist; and, therefore, you needed him to give him physiotherapy to help heal the hamstring pull?

A. That's correct.

Q. Is that correct?

A. And also I would like to have had Dr. Astaphan there, but, in fact, he was in Europe.

Q. Would you also agree that the rest that Ben would get in St. Kitts would be very beneficial to him after all the travelling he's done, after all the running he's done; would that not be the best thing for him at that particular time?

A. Oh, yes, I agree. However, I might point out it's very important to realize as we went through in earlier testimony, that it's important not to allow any adhesions to form after a jury has occurred. And,
5 therefore, it was fine for him to go to St. Kitts as long as he was prepared to bring Waldemar with him.

Q. That seems very reasonable. Did you tell Ben that?

A. Yes, I did.

10 Q. Did he agree with you?

A. No, he didn't.

Q. Why?

A. Because he felt -- perhaps Waldemar was too aggressive with him in suggesting that he would be, you
15 know, doing all this treatment and so forth, he felt that this would be too much of a hassle, perhaps.

Q. Didn't Ben understand that all Waldemar wanted to do was help him get well --

THE COMMISSIONER: Well, Mr. Futerman, Mr.
20 Francis told you the conversation. How does he know what --

MR. FUTERMAN: Because --

THE COMMISSIONER: -- are you suggesting that Mr. Johnson didn't recognize what Mr. Francis was saying to him? Is that what you are saying?

25 MR. FUTERMAN: Well, perhaps, Mr.

Commissioner, it will become selfevident when I ask the next group of questions why that becomes important.

THE COMMISSIONER: All right.

5 MR. FUTERMAN:

Q. First of all, were you present --

THE COMMISSIONER: We went all through this before. Mr. Francis explained in detail what transpired that day.

10 MR. FUTERMAN: Yes, when he was giving his examination-in-chief.

THE COMMISSIONER: All right.

MR. FUTERMAN: Now, we are cross-examining him. I want to challenge some of the comments he's made.

15 BY MR. FUTERMAN:

Q. Mr. Francis, were you present when Waldemar presented why he should be there to treat Ben and why Ben should not go to St. Kitts without him?

20 A. No, I was not.

Q. Did Waldemar tell you what he said to Ben?

A. Yes, he did.

25 Q. So it was on that basis that you formed the opinion that you have just described?

A. Yes.

Q. On the conversation with Waldemar?

A. Yes.

Q. That is correct?

5 A. That's correct.

Q. All right. Now, perhaps -- do you remember the exact words that Waldemar used to Ben?

A. Well, I wasn't there when he talked to Ben. I was there when he spoke to me.

10 Q. And in retrospect after hearing Waldemar's explanation as to what he told Ben, I think you used the words earlier that you cringed, that Waldemar would mention all the things that he wanted to do to Ben, that wasn't such a good idea. Was that the comments you made --

15 A. No --

Q. -- last week?

A. -- all of the treatments that he wanted to do were a good idea. I cringed because I didn't think Ben would be very happy to hear that he would have to do that much -- active participation in his rehabilitation.

20 Q. The words you used, correct me if I am not quoting you correctly, it would have been better to simply get there and try it out rather than telling him in advance. In other words, it was better for Waldemar just to simply go to St. Kitts, not to tell Ben what he was going

25

to do, and then do it once he is there. Was that your evidence?

A. No my argument -- my feeling --

Q. Was that your evidence, first of all?

5 THE COMMISSIONER: Well, let him answer.

MR. FUTERMAN: With great respect, I want to know first of all if it's his evidence, then he can explain it.

10 BY MR. FUTERMAN:

Q. Was that your evidence?

A. Yes.

Q. All right. Then explain what you meant by that that?

15 A. I thought that perhaps he had gone into so much detail that Ben would think he was going to take up his whole day in rehabilitation when in fact each of the three treatments he wanted to do on each day would not take a very long time. You know, I thought that he was perhaps a
20 little overly aggressive in stating the case.

Q. Are you saying --

THE COMMISSIONER: Did you think that Mr. Johnson should have taken these treatments, is that what you are saying?

25 THE WITNESS: Yes I wanted him to take those

treatments, absolutely.

BY MR. FUTERMAN:

Q. But the point that I was making, Mr.
5 Francis, was that you felt it would be better not for Ben to
have known that Waldemar was going to go down there, it was
better not to discuss --

MR. McMURTRY: That's not what he is saying
at all.

10 THE WITNESS: That's not what I am saying at
all.

MR. McMURTRY: Please, Mr. Commissioner --

MR. FUTERMAN: I will quote the evidence
again and read it again if I have quoted him incorrectly. I
15 will be pleased to read it again.

THE COMMISSIONER: I thought so far we had gone
this -- I thought that Mr. Francis wanted the masseur to go
with Mr. Johnson to St. Kitts. He didn't want him to go
there alone because he was fearful that if left alone he
20 would not take the rehabilitation which the coach thought
was necessary.

MR. FUTERMAN: I understand that, sir.

THE COMMISSIONER: And then --

MR. FUTERMAN: There is a further point.

25 THE COMMISSIONER: -- the masseur explained

in detail what he was going to do. And obviously Mr. Johnson would prefer to go to St. Kitts and relax and have a rest and not be subjected to this treatment which apparently was described in a very extensive way.

5 THE WITNESS: Yes.

THE COMMISSIONER: Do I understand what you are saying?

THE WITNESS: Yes, that's correct.

10 MR. FUTERMAN: Mr. Commissioner, there is another point here and I perhaps I will describe it now.

THE COMMISSIONER: Well, put your question --

MR. FUTERMAN: Well, I think you have to understand where I am coming from.

15 THE COMMISSIONER: I think that's what he is saying and what Mr. McMurtry was complaining about, and perhaps unintentionally, it may be that either you didn't understand or said he said something which he hadn't said.

MR. FUTERMAN: Well, I quoted the exact words that he said. I did it twice.

20 THE COMMISSIONER: The last question you put to him, in other words you didn't want Waldemar to go to St. Kitts. He did want Waldemar to go to St. Kitts. That was his whole purpose. The question you asked, Mr. Futerman, was you said you didn't want Mr. Waldemar to go to St. Kitts. And we have heard for a long time --

25

MR. FUTERMAN: Oh, no, if that's what I said, that certainly wasn't my intention.

THE COMMISSIONER: That was the question you put.

5 MR. FUTERMAN: Well, forgive me, if that's the words I used, it wasn't certainly wasn't my intention.

THE COMMISSIONER: That was the question you put.

10 BY MR. FUTERMAN:

Q. Were you concerned, Mr. Francis, that by Waldemar telling him what purpose he had in mind for Ben if he went to St. Kitts, that Ben would not want him to go?

15 A. Not in terms of what purpose he wanted to accomplish, which was to prevent adhesions which was carefully explained, but simply the case was presented in such a way that Ben would think that he is going to be working the entire day.

20 The way Waldemar explained it to me, it would have sounded as if he was going to be working eight hours a day down there or something instead of simply 20 minutes here, 20 minutes there, on three sessions during the day.

25 Q. I guess the point I am trying to make, Mr. Francis, and perhaps poorly, is that whenever things get a little bit confusing for Ben, that perhaps -- and I am

asking you this, is it better just to go ahead and do it and not tell him about it in advance.

A. Well, it would be impossible to go ahead and do that , sir, that because I didn't have any budget
5 for Waldemar to send him anywhere.

Q. You didn't have what?

A. I didn't have the budget to send Waldemar to St. Kitts. If Ben was prepared to go to St. Kitts he would have to bring Waldemar with him and pay for him.

10 Q. Well, then how could you have said, as you did, sir, that it would have better to simply get there and then try out rather than telling him in advance. How was he going to grt there --

A. The simple reason was that he had been
15 so --

Q. -- if you didn't have the budget. May I finish the --

A. Perhaps his English was not the best in outlining how many hours Ben would be required to under go
20 treatment. Certainly, the amount of the treatment that would have been required was no more than what he had been receiving in Europe, three sessions a day, 20, 30 minutes a piece it was not going to be an ordeal for him.

Q. Who was going to pay for him going to St.
25 Kitts?

A. Ben.

Q. So he would have to tell Ben in advance?

A. Of course. He is going to treat him, he doesn't have to he put it in such a way that it sounded like
5 he was going to be treating him for 8 or 10 hours a day or something.

Q. Mr. Francis, then perhaps --

A. Perhaps --

Q. Perhaps -- may I finish the question.
10 Perhaps you didn't mean the language you used when you said it would have been better to simply get there, then try it out rather than -- to try it rather than telling him in advance?

A. Well, perhaps I didn't state it
15 properly.

MR. McMURTRY: You see -- I would like to be heard at this point.

THE COMMISSIONER: Yes, please.

MR. McMURTRY: I would like to be heard, Mr.
20 Commissioner --

MR. FUTERMAN: Yes.

MR. MR. McMURTRY: To me it's very obvious what the evidence has been from Mr. Francis, both the examination in chief and in some detail today.

25 Now the proposition Mr. Futerman is putting to

this witness, and I think very unfairly so, is that this witness was trying to keep Ben in the dark because it would be too complicated for Ben to--

MR. FUTERMAN: I am not --

5 THE COMMISSIONER: Please, Mr. Futerman let, Mr. McMurtry make his objection.

MR. McMURTRY: He is attempting to twist things --

10 THE COMMISSIONER: Mr. McMurtry, please. Mr. Futerman, Mr. McMurtry has a very right to make an objection. He's been sitting there for a day and a half nice and quiet.

MR. McMURTRY: With great difficulty.

15 THE COMMISSIONER: I understand. Will you please make your objection or have you? I think you have made it.

20 MR. McMURTRY: Yes. The objection is that Mr. Futerman keeps wanting to twist the words the witness has already said suggesting that Mr. Francis has some motive to keep Mr. Johnson in the dark as to why Waldemar is going to be in St. Kitts because it would be too confusing for Mr. Johnson to be told in any detail. I mean that is clear --

25 THE COMMISSIONER: I agree. Mr. Futerman, you are trying to make something look sinister which is not sinister at that time all. Please, now --

MR. FUTERMAN: Yes.

THE COMMISSIONER: Please now.

MR. FUTERMAN: I am sorry, you finish go ahead.

5 THE COMMISSIONER: It was quite apparent that Mr. Francis thought that your client should have treatment at this stage. And he was anxious that his masseur go with him. He felt that was in the best interests of your client's rehabilitation.

10 The masseur spoke to your client and by outlining the details it would discourage any young man. He would say, my gosh, I am not going down to St. Kitts to sit in the trainer's room all the time, that's not going to be any rest for me. So, what Mr. Francis said it would have
15 been better if the masseur went along and gently did the work and would then demonstrate to Mr. Johnson it was not going to take all this time, he would have time for relaxation. That's all he was saying. Nothing sinister about it. That would be a way of having the job done by the
20 masseur. That's what he's been saying. I am not putting words in his mouth. That's what he's been saying. He went threw this in detail the other day. And you are trying to make something sinister of this is it beyond how -- how you can do it that is beyond my understanding.

25 MR. FUTERMAN: Well, Mr. Commissioner the

word sinister is a very strong word.

THE COMMISSIONER: That's what you are saying --

MR. FUTERMAN: Well, may I explain --

5 THE COMMISSIONER: -- that you want to conceal -- you are suggesting he is trying to conceal -- the intention was for his well-being in the coach's mind to rehabilitation. And he wanted that done. And the suggestion you are putting to the witness somehow is that
10 you wanted to withhold information which Mr. Johnson should have. That's not what he is saying. Can we go on to another point now or do you want -- do you want to still pursue this point.

MR. FUTERMAN: Well, I think you and I have a
15 difference of opinion, sir, with great respect as to the reasons why I am bringing this point out. It has nothing to do with any sinister --

THE COMMISSIONER: Well, I am not going to
compel you to give your reason for it, but I think you
20 should have the evidence on the record which we have. Now do you want to make some argument about it later, that's fine.

MR. FUTERMAN: Mr. Commissioner, I am in your
hands, of course. I think the point that I am trying to
25 make has nothing to do --

THE COMMISSIONER: Any more -- have you any more questions to ask by stating -- I don't say this because I know you would not do this intentionally, you may have misstated or may have misunderstood what the witness said.

5 MR. FUTERMAN: I didn't misunderstand what he said. I think it is quite --

THE COMMISSIONER: Any other questions to put on this matter, please. If you want to ask any further questions about the proposed trip to St. Kitts and the masseur, go ahead. And if I have misunderstood the
10 evidence, then you will clarify it for me.

MR. McMURTRY: I wonder if I might just be permitted to read precisely for the record what the evidence was in-chief.

15 MR. FUTERMAN: Well --

THE COMMISSIONER: Well, I remember it quite well, but go ahead. I think --

MR. McMURTRY: Mr. Armstrong at page 3916.
Page 3916.

20 "BY MR. ARMSTRONG.

Q. As I understand what you have told us the suggestion was from you that he was going to go to St. Kitts, he should go to St. Kitts with Waldemar and
25 Waldemar would in effect look after him

and treat this injury.

A. Yes, that's what I wanted.

Q. But Waldemar came on a little too
strongly as to how much work they would
do. And Ben didn't cotton on as it
were to going down there with Waldemar
and in effect carrying through with the
training program when he was looking at
it as probably a well deserved holiday.
I am not intending --

A. He just wanted complete rest?

Q. Yes.

A. I guess, you know, Waldemar had
problems with English and perhaps, you
know, just came on too strong. I was
cringing a bit when he mentioned all
the things that he wanted him to do. I
thought it would have been better to
simply get there and then try it out
rather than telling him in advance.
But also it's fair to say that Ben had
not had a serious hamstring pull. He
had had minor strains before but
nothing of this significance and so
perhaps wasn't aware of the possibility

of adhesions forming."

I think that's precisely the outline that you have given, but I thought it might be helpful at this point just to have it on the the record.

5 THE COMMISSIONER: Have you any other questions arising out of this point.

MR. FUTERMAN: We will move along.

10 BY MR. FUTERMAN:

Q. Mr. Francis, in any event did you go back to Ben and discuss the reasons why Waldemar had to be in St. Kitts?

A. Yes, I did.

15 Q. And was that is after Waldemar had spoken to him?

A. Yes, it was.

Q. And what did you say to Ben?

A. I said, Ben, it's not going to take that
20 much of your time, you know. And he said, look, I just want to rest. And I said, and I believe Waldemar also reinforced the concept, if you don't follow through with treatment to guarantee that there are no adhesions, you might be fine. If you follow through with all of the
25 treatments, you will absolutely be fine. I don't like the

possibility of leaving open the possibility -- the -- any room for doubt. If the treatment were carried out by Waldemar, I felt it could be guaranteed that he wouldn't have any further problems with it.

5 Q. What did Ben say?

A. He said he didn't want him to go.

Q. Did he understand it was for his own welfare?

10 A. I believed -- he disagreed with me, but he certainly heard from me.

Q. All right.

15 A. What I believe was in his welfare. He had a disagreement, he had a mind of his own. He said, no I want to go there for a complete rest, I don't want anyone around. I am going with Desai, end of story.

Q. Did you tell Desai to keep an eye on him?

A. Yes, I did, and keep him in the water and --

Q. Told Desai what to do?

20 A. -- to try keep him in the water, move him around to make sure he would be active so that the muscle would be stretched during the period of time that he was there, hopefully to prevent further problems.

25 Q. Were you concerned that Ben wouldn't know enough to do this on his own?

A. Well, I was concerned that, yes, on the basis that Ben had never had a serious hamstring injury before. Desai had, obviously all the others had.

Q. Well, did you not tell Ben himself when
5 he had to do to look after his hamstring injury?

A. Yes, I did, but again you are back to the theory of belt and braces.

Q. I am not sure of the theory?

A. If you instruct one, what he should do,
10 and you instruct the other one to make sure he does it and hopefully by doing both you are going to get something done.

Q. I see. In the spring of 1988, as far as you knew, Desai and Mark McKoy apparently had their own bottle of Estragol or Furazabol, and as far as you were
15 knew they were injecting each other; is that correct?

A. That's my understanding, yes.

Q. You didn't have anything to do that with that?

A. Not any further.

Q. Is it possible that they just informed
20 you they were doing that and they were in fact were not?

A. That would be possible.

Q. Well, is it possible that if they weren't taking the Estragol and Furazabol would you not notice that
25 in their training?

A. I believe I would notice that they were not performing as well in their weightlifting and so on.

Q. Did you notice anything different?

A. I noticed that they were doing very well
5 as they had in the fall.

Q. So, you assumed --

A. Yes, I did.

Q. -- they were taking their anabolic
steroids. Now, when Ben came back from St. Kitts, can you
10 tell us, he was gone for how long, a week or two weeks as
far as you can recall?

A. I believe it was close to two weeks.

Q. Did you have Ben resume training
immediately?

A. Yes, in very -- tempo-type running and so
15 forth.

THE COMMISSIONER: Where are we now, when
month? February?

MR. FUTERMAN: We are in Toronto?

20 THE WITNESS: We are in Toronto.

THE COMMISSIONER: I know where we are right
now.

THE WITNESS: This was then.

THE COMMISSIONER: I know this is Toronto and
25 I still think it is, but what date? Are we now February of

1988?

THE WITNESS: We are in March.

THE COMMISSIONER: March, thank you.

THE WITNESS: Perhaps mid March.

5 THE COMMISSIONER: That's where we are today,
too.

BY MR. FUTERMAN:

10 Q. When Ben came back from St. Kitts, when
was that? What day, beginning of March or mid March?

A. Early March, I believe.

Q. All right. Did you have Ben resume
training immediately?

A. I had him begin his tempo program --

15 Q. Did you ask Ben how hamstringing pull was?

A. I asked him how he felt, yes.

Q. What did he say?

A. He said he felt fine.

Q. Did you have him see a doctor?

20 A. No, I did not.

Q. All right.

A. I had him see Waldemar.

25 Q. In any event, you felt, and Waldemar must
have felt, and I guess Ben must have felt that his hamstringing
pull had sufficiently healed to allow him to train, which he

did. Did he have any complaints about the hamstring pull at all? Did he say he was still hurting?

A. No, he did not.

Q. He didn't?

5 A. Waldemar complained a bit about stiffness and so on. And he was a bit hesitant in his stride. He wasn't extending through his stride as he had been. So, it would require some mobilization and flexibility and work by Waldemar. In other words I felt there had been some time
10 lost. His flexibility was not --

Q. In any event, Waldemar felt -- I am sorry, sometimes you hesitate and I think you are finished?

A. I didn't feel he was 100 percent, no.

Q. All right. Well, were you concerned
15 about getting him back into training at that time when you weren't convinced that he wasn't 100 percent?

A. Well, let me clarify that first of all. When I say 100 percent, I am not talking necessarily about the healing of the injury. The injury will heal in a very
20 short period of time. An injury of the significance he initially had, would heal in a matter of a few days to 10 days, but the tissue above and below an injury site, may be pulled -- what would be called an extension injury if the original injury site is not as mobile as the surrounding
25 tissue. In other words, it must be as pliable and as mobile

as all the surrounding tissue so that it would move smoothly during the contraction and relaxation of the muscle. I didn't feel that he had the full range of motion in the muscle at the initial stages of the training. And so I
5 wanted Waldemar to spend a great deal of attention on it at that point.

Q. And Waldemar did?

A. Yes, he did.

Q. And was Waldemar satisfied that whatever
10 problems he was having with his hamstring had sufficiently healed for him to be able to run in Toyko in May of 1988?

A. Yes, he was. Now that's some period of time later, of course.

Q. We are talking two months?

15 A. Yes.

Q. All right. But was there any complaints at that time in respect of Ben's hamstring?

A. No, there were not.

Q. Were there any physical signs of any
20 continuing injury in respect to his hamstring either above or below the site of the original injury?

A. No, there were adhesions palpable. The injury appeared to have healed. He did not appear 100 percent technically sharp. This is why a race was selected
25 in which, you know, he wouldn't have any tough opponents.

Q. In any event, you went to Toyko and we have the famous May the 13th, 1988, that we have talked about before, and that's when he reinjured his hamstring?

A. That's correct.

5 Q. And the doctor apparently diagnosed it as a partial tear of the semi --

A. Tendonosis.

Q. -- tendonosis muscle. He told him not to walk upstairs or do anything for at least a week and no running for at least 10 days?

A. That's correct.

Q. Did he also indicate at that time that this injury may persist for a lot longer than 10 days, perhaps several weeks, perhaps several months?

15 A. He never said perhaps several months, he said perhaps a few weeks.

Q. Did he not say that hamstring muscle-tendon pulls or tears, we are no longer dealing with a pull now, we are dealing with a tear; is that correct?

20

25

A. Sir, there are many degrees of hamstring pull. A pull and the tear can be the same thing. There is first degree, second degree and third degree. This is a third degree pull.

5 Q. Sorry?

A. This is a third degree pull meaning that some fibres are actually broken as opposed to being stretched like the way your fingers would be slightly pulled apart.

10 Q. Well, I think a pull and a tear indicates to me, in any event, that when you pull a muscle, as you just indicated, it stretches and when you tear it, there is an actual tear in the fibre of the muscle?

15 A. Not necessarily. It's a first and second and third degree hamstring pull. It's a third degree pull, or tear.

Q. So, a tear and a pull are the same thing?

20 A. If they're third degree, yes.

Q. That's the most serious kind of tear?

A. That's correct. Where there is an actual separation of fibres.

Q. Is that what Ben had?

25 A. Yes.

Q. And did the doctor not say to you at that time that this kind of tear may take only ten days but more likely it may take several weeks before it heals?

A. Yes, he did.

5 Q. And that one of the best things he could do is to rest?

A. Yes.

Q. And not use the foot in any way?

A. That's correct.

10 Q. So, Ben flew back to Toronto, is that correct?

A. That's correct.

Q. Shortly after the race? Ben told you he didn't want to go to Europe, is that correct?

15 A. That's correct.

Q. The reason he told you he didn't want to go to Europe is because was he concerned about a number of things; (a) he was concerned about the -- about the fact that the crowds there and the media there might do him some physical harm as they sometimes had done in the past because of his international status. Is that correct?

20

A. That's correct.

Q. He was also concerned about his hamstring pull and wanted to rest it?

25

A. That's correct.

Q. Thirdly, he was tired and fatigued by virtue of all the racing and training that he had done in recent weeks and months?

5 A. That's correct.

THE COMMISSIONER: Well, that's exactly what the witness said yesterday. I mean, am I missing something. I just wanted to make sure ---

10 MR. FUTERMAN: Yes, you are because we're leading up to something.

THE COMMISSIONER: I understand that. I make want to make certain; I understand.

MR. FUTERMAN: I want to lay the foundation. I just can't jump in and ask him questions ---

15 THE COMMISSIONER: I want to make certain I'm following you. Go ahead. I understand. Go ahead?

MR. FUTERMAN:

20 Q. And did you have him seen by a qualified medical doctor when he returned to Toronto?

A. We had him seen in Japan by a specialist and then the idea was that Dr. Astaphan would join with us in Europe. At that time he was still agreeable to going to Europe.

25 Q. Let's just review that.

A. When we were in Japan.

Q. I understand. But in any event, he decided to go back in Toronto?

5 A. No, we always intended to stop in Toronto and then a day and a half later or so, we were to go to Europe.

Q. Where was Dr. Astaphan at that time?

A. He was in St. Kitts.

Q. Ben came back to Toronto?

10 A. That's correct.

Q. How soon after his injury in Tokyo did he come back to Toronto?

A. He was back in a couple of days.

Q. And the doctor was still in St. Kitts?

15 A. Well, the idea was he would meet with us in Helsinki and then down ---

Q. Was the doctor still in St. Kitts?

A. Yes, he was.

20 Q. Was there any intention for the doctor to come to Toronto to take a look at Ben's hamstring tear?

A. No, that was not my understanding, no.

Q. Did you suggest that?

25 A. No. Because my understanding was that Ben would go to Helsinki and then down to -- and that the doctor would meet up with both Waldemar and Ben.

Q. But there was going to be a period of time before Ben got to Helsinki, is that not correct?

A. And Waldemar would be there.

5 Q. There was a period of time between the time that he injured his leg, the time he came back to Toronto, which was a day or two after his injury, and the time that he would go back to Helsinki. Was there a period of time that he would be in Toronto?

A. Yes.

10 Q. Did it not seem wise, having regard to the fact that we were dealing with a very serious hamstring tear, to have it checked by a qualified physician?

15 A. Who would be qualified, who knows Ben and knows sports injuries?

Q. There's always kinds of people, I would suggest to you sir, here in Toronto, who are qualified to look at that kind of thing?

A. To assess muscle injuries?

20 Q. I certainly think there are. Do you not think that?

A. I don't think there are that many people who are qualified to assess muscle injuries at the highest level of performers.

25 Q. Was there at least one person who could

have in the City of Toronto?

A. Sir, we had Dr. Astaphan and our intention was to put him together, along with Waldemar, to do the initial treatments. I wanted everything brought to bear and that was my intention.

Q. Mr. Francis, I understand your intention. You made that very clear. But, what I'm interested in knowing, when you got back to Toronto, did you have Ben see a qualified medical doctor or other specialist to look after that hamstring tear?

A. We already had a specialist in Tokyo look at the injury and we decided he would stay off the leg, he would do no running, no stairs, he was to ice the area. We had the course of action mapped out by an orthopedic surgeon in Japan.

Q. Are you suggesting to me, sir, that that Japanese orthopaedic surgeon knew that ---

MR. McMURTRY: Excuse me, Mr. Commissioner. I mean, I think with great respect, sir, I mean you, of course, have been a model of patience, perhaps myself less so.

But I was under the impression that this was an inquiry to inquire into and report on the facts and circumstances surrounding the use of such drugs and banned practices by Canadian athletes.

And I don't know what -- whether or not Mr. Francis thought that Mr. Johnson should see another doctor in Toronto after seeing the orthopedic surgeon in Tokyo before he saw Dr. Astaphan in Helsinki, really has a great deal to do with the terms of reference of this Inquiry and I think this is about one of many illustrations where Mr. Futerman is going so far afield that it must be puzzling for someone just tuning in to know what this Inquiry is attempting to determine.

THE COMMISSIONER: Sometimes it's puzzling for me, too. But, in any event, he may have some point that's going to come out later so we'll just carry on for a while and see what it is. He's told me he has a point, there is a reason for this, so I'll accept the submission of counsel.

MR. FUTERMAN: With great respect to my friend's submission, when he tries to restrict this Inquiry to the facts surrounding athletes here in Ontario or Canada, I think my friend has talked about athletes in the Soviet Union, he's talked about athletes throughout the world ---

MR. McMURTRY: It's nothing to do with my submission.

MR. FUTERMAN: ---and for my friend --- can I finish, please?

THE COMMISSIONER: Of course, you've got to remember, Mr. Futerman, I've given you great leeway here, but you know ---

5 MR. FUTERMAN: With great respect, this is cross-examination. I can't, each time I'm trying to get to a point, have my friend say this is not relevant.

THE COMMISSIONER: He may sometimes be right.

10 MR. FUTERMAN: Sometimes he is right and you've interrupted me, sir.

THE COMMISSIONER: All right. Let's get on then now. I have my own views but I won't express them at the moment. Let's see how we get along here and I am somewhat concerned about the nature of this examination
15 but I'll withhold comments until later. Go ahead.

MR. FUTERMAN: In any event ---

THE COMMISSIONER: We now know, it's clear as it has always been, when they came back from Japan having seen an orthopedic specialist in Japan, certain
20 advice was given; he came to Toronto and an effort was made to persuade Mr. Johnson to go to Europe to meet Dr. Astaphan and Waldemar. And we know it didn't succeed and Mr. Johnson went to St. Kitts and did not go to Europe at that stage? Am I right?

25 MR. FUTERMAN: So far you're right, sir.

THE COMMISSIONER: Thank you.

MR. FUTERMAN:

5 Q. In any event, you were not in agreement
with Ben? You felt he should go to Europe. He decided
not to go to Europe, is that correct?

A. That's correct.

10 Q. And notwithstanding Ben's concerns
about his own safety and his own hamstring tear, you felt
that his interest would be better served by being looked
after by Waldemar in Europe with the rest of the team?

A. And Dr. Astaphan.

Q. And Dr. Astaphan?

15 A. I might point out, first of all, that
Waldemar is probably the leading physiotherapist in the
world. And also Dr. Astaphan is a doctor who is well
familiar with Ben, he has worked with Ben for a number of
years. We had him examined by a top orthopedic surgeon in
Tokyo before we went.

20 He came to a conclusion which made sense
but, at the same time, you don't run from specialist to
specialist get varying opinions. You attempt to get the
information, the prognosis, the initial treatment mode,
which was obviously rest and ice and elevation.

25 I wanted to bring what resources I had

available to bear on the problem. This time I was not persuaded that everything had been as it should be the last time. I was not happy. I felt there was a contribution.

5 Indeed this injury occurred below the original injury site. Perhaps the scar tissue had not been shown, for some reason, or there was some minute amount of scarring that had not been mobilized during the period in St. Kitts.

10 Initially, I felt that if he had been followed through, as Waldemar had suggested, perhaps this situation would not have occurred as it did in Tokyo. So, of course, I was very anxious that this not be repeated at a time when, in fact, there was no time to lose. So I was
15 very concerned.

I was caught between a rock and a hard place, as you can well understand, because Waldemar cannot be in two places at once.

20 The problem is, you know, there were many other athletes. The whole trip to Europe couldn't be cancelled because Ben decided not to go. So, if I leave Waldemar behind I have no treatment for people who, in fact, are going to be racing on a daily or every three or four day basis for a period of time, so then maybe I have
25 five more hamstring pulls. It's a very difficult

situation.

I understood very clearly and I sympathized with the situation with Ben. But at the very minimum we had a two week period in one location. At the very
5 minimum, I felt that would be the time to have everyone work on Ben, including myself, to see what exercises he could carry out safely and to carry out the hamstring rehabilitation program that had succeeded over many years that had been used by Gerrard Mach and taught to me.

10 So, I wanted all of the components to come to bear on the problem to the best of my ability.

Q. And you're not allowing there was another option open to you, other than Ben going to Europe at that time to be treated by Waldemar? That was the only
15 option you felt Ben had.

THE COMMISSIONER: That was the option he preferred, Mr. Futerman.

MR. FUTERMAN:

20 Q. I understand.

A. I felt that was the best option under the circumstances.

Q. Was there any other option? Did Ben have other options here in Toronto?

25 THE COMMISSIONER: The option he took was to

go to St. Kitts.

MR. FUTERMAN: That wasn't right away, sir.
I think that was later on.

THE WITNESS: Might I go back to Angella
5 Issajenko and the treatments that were received?

MR. FUTERMAN: No, I've talked about ---

THE COMMISSIONER: No, please, Mr. Francis.
Let's get on. You know, there is a great deal of merit to
what Mr. McMurtry has said about this line of questioning.
10 I haven't stopped you, but let's get on with it, please?
Did he not go to St. Kitts? I thought he went back to St.
Kitts?

THE WITNESS: Yes, he did, a few days later
on.

15 MR. FUTERMAN: I'm dealing with the period
of time in between.

MR. COMMISSIONER: All right.

MR. FUTERMAN:

20 Q. He went back to St. Kitts?

A. Yes, that's correct.

Q. And Dr. Astaphan apparently stayed in
St. Kitts with him?

A. Yes.

25 Q. And you apparently were under the

impression as a result of a couple of meetings you had at Ross Earl's house that Ben had agreed reluctantly to go to Europe with you? Is that correct?

5 A. I was under that impression from the discussions we had in Tokyo and the initial discussions we had with Mr. Earl the night before.

Q. And you were upset that Ben did not seem to want to go. I think the first time you said he wasn't going to Europe and then you apparently were able
10 to change his mind?

A. No I didn't know what to do because, in fact, we only had the day afterwards to deal with the situation because he was scheduled to leave that night, as was Dr. Astaphan, as was Larry Heidebrecht, as was
15 Waldemar Matuszewski, with flight arrangements down to Helsinki and down to St. Kitts.

Obviously, I had made arrangements on the assumption that he intended to go along with it. Now, if he does not go along with it, it is very difficult for me
20 to discover what it is I should do as an alternative.

Then I was told, merely hours later, by Larry Heidebrecht and indeed he had agreed to go. It was only when Larry and Waldemar went to the airport to leave for Europe, in fact, they had discovered that Ben indeed
25 did not show up.

Q. You were already in Europe when you found out that Ben ---

A. I was already on the plane that had left two hours earlier than the flight that was to go to ---

Q. What was your reaction when you found out Ben hadn't gone?

A. I was very upset, of course.

Q. Did you phone him?

A. I didn't get to him. I phoned Ross Earl. I didn't know where he was by then.

Q. How long was it that you found out where Ben was, how many days afterwards?

A. A couple of days later.

Q. And where did you find out that Ben was?

THE COMMISSIONER: In St. Kitts.

THE WITNESS: No, not initially.

MR. FUTERMAN: We don't know? Just ---

THE WITNESS: Initially, my impression was ---

THE COMMISSIONER: I thought the question, where did you find out where he was. Wasn't he in St. Kitts?

THE WITNESS: Well, he did go a few days

later. My initial belief was he had gone straight down to St. Kitts. But, in phoning Larry and everybody, trying to find out indeed where he was, he was not in St. Kitts. And Dr. Astaphan, he was indeed back in Toronto.

5

MR. FUTERMAN:

Q. In any event, you found out he went to St. Kitts a few days later?

A. A few days later, yes, that's correct.

10

Q. How did you find out?

A. Dr. Astaphan telexed to the hotel.

Q. Were you upset with Ben when you found out that he had gone to St. Kitts contrary to your instructions and contrary to, apparently, his undertaking to you?

15

A. I'm sorry?

Q. Were you upset to find that out?

A. Yes, it was upsetting. I was very concerned we couldn't bring all the forces to bear on the problem with the Olympic Games coming up.

20

Q. Did you, at that time -- did you know at that time that Dr. Astaphan was in St. Kitts with him?

A. Yes, I did.

Q. And did you speak to Dr. Astaphan after you got the telex?

25

THE COMMISSIONER: Excuse me.

MR. SOOKRAM: Your honour, it would seem to appear from that question that Dr. Astaphan doesn't live in St. Kitts. It seems to appear that Dr. Astaphan went
5 down with him.

THE COMMISSIONER: No, no. We know he's in St. Kitts this time ---

MR. SOOKRAM: Precisely.

THE COMMISSIONER: The original plan ---

10 MR. SOOKRAM: Dr. Astaphan lives there. Ben Johnson went to meet with Dr. Astaphan.

THE COMMISSIONER: That's right.

MR. FUTERMAN: Well, we can clear that up with Mr. Sookram's concern.

15 THE COMMISSIONER: We all know that.

MR. FUTERMAN: Okay, I thought so.

THE COMMISSIONER: I think so. We all know that.

THE COMMISSIONER: Thank you, Mr. Sookram.

20

MR. FUTERMAN:

Q. In any event, Dr. Astaphan was in St. Kitts at the time that Ben went down to see him?

A. Yes, he was.

25

Q. He hadn't left for Europe as you

thought he might?

THE COMMISSIONER: No, please, we all know that, Mr. Futerman. Mr. Sookram wasn't sure, but we've all cleared that up, very clearly.

5 MR. FUTERMAN: All right.

THE COMMISSIONER: Thanks.

MR. FUTERMAN:

10 Q. Thank you. Did you speak to Dr. Astaphan in St. Kitts?

A. Yes, I did.

Q. During the two and a half weeks that Ben was down there?

15 A. On one occasion I got ahold of him, yes.

Q. And what did you talk about? Did you talk about the kind of treatment that Ben was going to get there?

20 A. Yes, we had a brief discussion about it. But primarily, the discussion was between Waldemar and the doctor.

Q. Pardon?

25 A. Waldemar carried out most of the conversation because they were comparing notes as to what they thought they should do.

Q. All right. Was there any reason -- I'm sorry, did you ask if Ben was around? Did you look for Ben when you called down to Dr. Astaphan in St. Kitts?

5 A. Well, at that point he was on his way but had not arrived.

Q. Did you call St. Kitts again after the first time that you spoke to Dr. Astaphan to see how Ben was doing?

10 A. No, I did not because I was phoned by Larry who told me that, in fact, ticket arrangements had been made for the doctor and Ben to arrive in Malaga and, in fact, that they would be joining us. So I went to the airport in Malaga to wait.

15 Q. And how many days -- what day was he supposed to arrive there?

A. Well, I believe it was about three days later.

Q. And did Ben arrive there?

A. No, he did not.

20 Q. And when Ben arrived there, did you call St. Kitts to find out what happened?

25 A. Well, by the time I went back to the hotel, there was a telex from Dr. Astaphan clarifying, in fact, Ben was with him in St. Kitts and describing the nature of the injury, the description coincided with what

we had been told by the Japanese orthopedic surgeon and so forth.

And there had evidently been a bit of a misunderstanding between Dr. Astaphan and Waldemar talking about the manual manipulation of the injury site and so forth. Dr. Astaphan's telex said, "Must not be stretched" and felt that Ben, at that point, did not wish to travel and he was to stay in St. Kitts.

Q. Were you upset about this?

A. I was concerned, yes. Once again, because two out of the three would be missing.

Q. Did you call Ben to try to persuade him that he should come to Europe?

A. I was -- I received a telex from Dr. Astaphan. I did not have a phone number to -- or even a location for where indeed on the island Ben was staying.

Q. Did Larry know?

A. I don't believe he did at that point. He was talking to Dr. Astaphan.

Q. So, you had no way of contacting Dr. Astaphan in St. Kitts? Is that your evidence?

A. Dr. Astaphan, we could contact. Ben was not staying with Dr. Astaphan. I don't know where he was staying.

Q. Dr. Astaphan was treating him in St.

Kitts?

A. Yes, he was.

Q. Wouldn't Dr. Astaphan know where you could contact Ben?

5 A. Well, assumedly he would, yes. And, assumedly, Ben would call.

MR. McMURTRY: I ---

THE COMMISSIONER: Please, Mr. McMurtry.

10 MR. FUTERMAN:

Q. But you didn't think that was important or you didn't want to do that?

THE COMMISSIONER: I don't know what the point is, Mr. Futerman, I really don't. This has nothing
15 to do with credibility. I don't understand this line. This has got nothing to do with credibility.

MR. FUTERMAN: One can't deal with credibility in isolation, Mr. Commissioner.

THE COMMISSIONER: But, even ---

20 MR. FUTERMAN: We're dealing with a man ---

THE COMMISSIONER: I think there is some misunderstanding because when it's cross-examining on so-called credibility you can ask any question that arises.

25 The credibility issue must arise in a matter

which is relevant to an issue. And the issue that Mr. Francis has attested to, by his own admissions and, I remind you, he's compelled to testify under oath in this room -- he's not on trial, nobody's on trial.

5 MR. FUTERMAN: We're not putting him on trial.

 THE COMMISSIONER: He's testifying here -- I'm making him testify under oath. And the issue now before us is the use of drugs amongst Canadian athletes and the circumstances.

10

 And he's testified to that at great length, at self-sacrifice to his own reputation and character and future, and he's entitled to be cross-examined. I've given you extreme leeway but I think Mr. McMurtry is right, we've got to get to a point.

15

 The issue here is the use of drugs by Canadian athletes; under what circumstances, why, who's responsible and what can we do about it in the future.

 MR. FUTERMAN: Mr. Commissioner, perhaps, respectfully, my view of what my role is entirely different than yours.

20

 THE COMMISSIONER: Well ---

 MR. FUTERMAN: I see, when something -- if I may continue, sir; when something is raised in chief as it was for four and a half days about areas that have a lot

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more to do with his career, his care about his athletes,
the awards he won, the countries he's visited ----

THE COMMISSIONER: Well, that's not fair.

He was thoroughly examined -- he was thoroughly examined
5 and pinned down on all the areas which are relevant to
this Inquiry and what we're concerned about here, by his
own admissions, he's not tried to avoid his own
responsibility and he's told his evidence as to what he
did and he's given his explanation for it.

10 I don't regard that as justification but
he's entitled to give an explanation and you're entitled
to cross-examine him but really on issues which are
relevant. I.e., the matters here, particularly concerning
Mr. Johnson, the matters that effect Mr. Johnson and Mr.
15 Francis' evidence about that as it relates to drugs.

And whether he should have called a doctor
when Mr. Johnson arrived from Tokyo, in Toronto, or not, I
don't see what that has got to do with this Inquiry.

MR. FUTERMAN: With great respect, sir ---

20 THE COMMISSIONER: Can you tell me how
that's relevant?

MR. FUTERMAN: Yes, because we have a
picture being painted of this gentleman over a period of
four or five days dealing with his entire career, not just
25 the area dealing with ---

THE COMMISSIONER: No, but I understand that. There is no evidence of animosity from this witness with respect to Mr. Johnson, none that I can see.

MR. FUTERMAN: Well, I can assure you when
5 Mr. Johnson testifies, there will be no animosity towards Mr. Francis.

THE COMMISSIONER: All right then. So, with respect to whether he called the doctor or not, it can't be suggested for one minute that it was not -- that what
10 he was doing was not what he thought was in Mr. Johnson's interest.

That's what he thought and he wanted him over in Europe because he wanted the masseur and the doctor together, Dr. Astaphan, and now maybe he should
15 have stayed in Toronto or gone to an orthopedic surgeon in Toronto.

MR. FUTERMAN: Mr. Commissioner, there's more to it than that.

THE COMMISSIONER: Com one, Mr. Futerman! I
20 deliberately withheld interfering with you and I know that you're a very able counsel and I'm just hoping you'll be helpful, at this stage at least, to direct questions which are relevant to my terms of reference; i.e., the use of drugs by our Canadian athletes and the circumstances under
25 which they were administered as two of the matters in

issue.

And we've spent so much time on these matters which really are not even collateral to the main issue. Anyway, I've spoken and I've taken time and perhaps I'm better off just letting you ask the questions. I don't know.

MR. FUTERMAN: Thank you, sir. I will perhaps suggest, if I may --

THE COMMISSIONER: Let's direct the questions to these terms of reference which are before me. None of these questions seem to me, at the moment, in any way seem to effect the credibility of Mr. Francis. Maybe questioning his judgment, I don't know.

But his intentions are not in issue, that he was intending well for your client on these medical matters; that is, the hamstring matter. All right.

MR. FUTERMAN:

Q. Mr. Francis, in any event, Ben ultimately came to Europe and you saw him?

A. That's correct.

Q. At that particular time you and him -- you were not talking. I think this was time June the 11th or 12th of 1988?

A. That's correct.

Q. That was in Padova?

A. Padova, yes.

Q. Padova?

A. Yes.

5 Q. Did you, at any time when he arrived,
did you seek him out or did he seek you out?

A. Yes, I did.

Q. And did you discuss the problem between
the two of you?

10 A. I didn't get the chance. The first
time I had a chance to speak with him we were on our way
to a training facility which had been arranged for him for
weightlifting. Mr. Johnson and Mark McCoy and Desai
Williams and Dr. Astaphan and myself went to the
15 weightlifting facility that had been arranged and a
workout was carried out.

At that point, I was most anxious to find
out what sort of condition Ben was in, what sort of
flexibility he might have up to that point or whether,
20 indeed he had remained in shape or had, in fact, improved
his condition.

All of these things were very foremost in my
mind, quite obviously.

Q. When you finally spoke to Ben, what did
25 you talk about?

A. Well, I tried to ask him how the lifting was going. He was just very curt and he obviously seemed to be upset. I asked Dr. Astaphan how the training had gone and he was very enthusiastic.

5 Q. All right. Did you form any impression at that time that perhaps Dr. Astaphan had taken over your role as coach?

A. I didn't know what exactly Ben was getting at, why he was so angry. I later -- you know, getting to your point -- it was later when we did have a discussion that he said I hadn't called him but, in fact, I didn't realize that was an issue because indeed I was spending all of my hours, as you can manage, when I wasn't on the track with all the other athletes, all the time I had available time was spent in discussions on the phone with Larry Heidebrecht, continually attempting to arrange for Ben and Dr. Astaphan to come over.

10

15

So that, indeed, I could work with them.

Q. When you finally sat down to talk to Ben, was it obvious to you that Ben and you were not going to make up your differences at that time?

20

A. By the time we talked, yes, I was very concerned about it.

Q. At that time, the original game plan had been that Waldemar was to look after Ben's

25

physiotherapy, Dr. Astaphan was to look after Ben's doctoring, Larry Heidebrecht would do his managing, Ross Earl would look after his financing and you, Charlie Francis, would look after his coaching and, finally, Ben would do his running.

Was that the game plan, basically, between the group of people I've mentioned?

A. Well, I assume that was the function of everybody concerned.

Q. Does this fairly describe the continuing relationship that Ben had with the above group in the summer of 1988?

A. After things were resolved, yes. But at the time in Padova it was very unclear what Ben had in mind.

Obviously, we misinterpreted each other very significantly. I didn't quite understand, you know, why he was so angry at me. In retrospect, it was quite easy to see that he felt that I should have been calling him. But, I didn't know where he was. I was trying to get him there throughout the whole duration.

Q. Did Ben have difficulty understanding why you were angry at him?

THE COMMISSIONER: Oh, Mr. Futerman, I don't understand that question. How does he know whether Ben

had difficulty understanding why he was angry. I don't know why Mr. Johnson was angry. We'll find out. How would he know why Mr. Johnson felt he was angry?

MR. FUTERMAN: I can give you my
5 interpretation of that, Mr. Commissioner, if you want to hear it?

THE COMMISSIONER: I don't understand that. You asked Mr. Francis, did you know whether Mr. Johnson understood why Mr. Johnson was angry. Is that what you
10 asked him?

MR. FUTERMAN: Words to that effect, sir, yes.

THE COMMISSIONER: Well, what kind of question is that? Do you know whether Mr. Johnson -- Mr.
15 Johnson understood why he, Mr. Johnson, was angry? Well...

MR. FUTERMAN: Isn't this the same witness that told us earlier, what he understood that Ben understood?

THE COMMISSIONER: He stated that he
20 believed on the crucial issue. He believed ---

MR. FUTERMAN: Well, to me every issue is crucial, sir.

THE COMMISSIONER: He believed that your
25 client, over a period of seven years, knew that he was on

a program of anabolic steroids. That is in issue and you're going to -- that's what he said.

And he's given examples of why he came to that conclusion which you've been testing him on. But to suggest that, do you know why Mr. Johnson understood why Mr. Johnson was mad, is beyond me.

MR. FUTERMAN: Sir, the difficulty with an inquiry is there is no pleadings so you don't know what my defence may be until the evidence comes out.

THE COMMISSIONER: Well, I'm trying to gather that through your questioning.

MR. FUTERMAN: Well....

THE COMMISSIONER: And sometimes -- I don't know, we'll see. I thought -- I'm trying to perceive that. I'm not asking you. But you know fairly well, as all counsel do, what disclosure, what evidence is going to be given with respect to your client in advance and I'm not asking you to disclose -- I don't like the word defence because that's no trial here.

MR. FUTERMAN: I agree with that.

THE COMMISSIONER: And I don't know what the nature of your client's evidence is. I don't want to know that until I hear it. But....

MR. FUTERMAN: That's fair.

THE COMMISSIONER: But that question has got

nothing to do with Mr. Francis. He said time and again he knew that your client was on the steroid program and gave examples, rightly or wrongly -- we'll find out -- how that came about and what was said.

5 Let's get on to something which is really quite material, please?

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MR. FUTERMAN:

Q. When Ben returned to St. Kitts, I think you said you felt something was wrong, and subsequently, you found out that Ben had been seen by a therapist called Jack Scott; is that correct?

A. At the national championships, Jack Scott told me he had treated Ben in St. Kitts, that's correct.

Q. And was that something that concerned you very much when you found out about Jack Scott?

A. Well, I was surprised.

Q. Did you find out anything about Jack Scott at that time? Did you find out whether he was a qualified physiotherapist?

A. Well, he has a PhD. in psychology.

Q. And what about physiotherapy?

A. That's a good question. I don't know.

Q. All right.

A. That's why I had Waldemar who was the best available that I could get. Of course I wanted Waldemar to treat Ben.

Q. The time that Ben disobeyed you and went to St. Kitts, was that the first time Ben had disobeyed you in a way that was completely contrary to--

MR. McMURTRY: I think the word disobey is

most inappropriate and a very inaccurate description of what this witness has given at length about their misunderstanding. I mean, obeyed-disobeyed. That's distorting the evidence.

5 THE COMMISSIONER: There is no jury here so let's get on.

MR. McMURTRY: With respect, Mr. Commissioner, there is a jury. Not in the legal sense, there are hundreds of thousands of people following this inquiry very closely, sir, and as you have said very eloquently in the past, there are a number of reputations at stake here, and there is a vast jury out there.

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THE COMMISSIONER: I can't direct however your question is going to be asked. The word disobey is probably--I am not sure of that word. He didn't disagree or didn't do what was asked. We are talking about a 26-year-old man in 1988.

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MR. FUTERMAN: I understand. I think I have a right to phrase the questions, unless they are confusing, which I think the witness can tell me, but I don't know why my friend has to object to it.

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THE COMMISSIONER: Well let's get on with the question. What was the question again? Disobey?

25 MR. FUTERMAN:

Q. First of all, were you surprised that Ben disobeyed you?

A. First of all, I object to the question. First of all, you have suggested--

5 THE COMMISSIONER: In what way now--I have lost track of it a bit for the first time in this inquiry.

MR. FUTERMAN: Mr. Commissioner, can I respectfully request--

10 THE COMMISSIONER: Where are we now? What didn't he do that he was asked to do at this stage?

MR. FUTERMAN: I am not sure. Mr. Commissioner, may I respectfully request a five-minute recess so I can consider the questions that--

15 THE COMMISSIONER: Just before you do this, tell me what the question was so I will be able to know what the disagreement was about, if you recall?

MR. FUTERMAN: I want to know whether this gentleman was--first of all, was this the first time that Ben disagreed with him or disobeyed him.

20 THE COMMISSIONER: I understand, but I just lost track. What was this time?

MR. FUTERMAN: This was the time that he went to St. Kitts in May.

25 THE COMMISSIONER: All right, we will take six minutes.

--- Short recess.

--- Upon resuming.

THE COMMISSIONER: Mr. Francis, counsel have a right to object to questions. You don't.

5 MR. FUTERMAN: Thank you, sir.

THE COMMISSIONER: Now maybe that took you off your course, Mr. Futerman. You may continue.

10 MR. FUTERMAN: That's okay. For a time, it wasn't hitting anywhere, so perhaps it was just as well.

Q. Did there come a time in your own mind that you felt that Dr. Astaphan had replaced you in terms of Ben's trust as a coach?

15 A. I really wasn't clear on whether or not I had the confidence of Ben at that point. I have got to point out that Ben has his own mind, and in many cases we could have disagreements. For example, I wouldn't object when Ben decided he would go to separate training camps on occasion. There were times when we had a training camp in
20 Guadeloupe and he went to Jamaica. That's fine. We had a training camp in Guadeloupe in the winter and he decided he didn't want to go. It was available, he didn't want to go. That also was fine. But we reached the point where I tried to put forward the best plan that I could for his
25 rehabilitation, bringing all the parties to bear on the

issue, which I felt was very important. I gave the best advice that I could, and he wasn't prepared to accept it.

Q. Did you believe at some time that you were losing your control of Ben to Dr. Astaphan?

5 A. It's not a question of control. I never had control over Ben in the way that you are implying.

Q. Did you feel that Dr. Astaphan was taking your place as Ben's coach?

10 A. I didn't know what the situation was. I didn't have that feeling. My suggestion was that in terms of the rehabilitation, I wanted to go through the exercises that I had learned, that I had found very useful in rehabilitating all of the other athletes who had
15 suffered hamstring injuries. I was very anxious that the protocol that I had learned to the best of my ability would, in fact, be employed in this most important time.

Q. And did you think that the doctor had taken your place as the coach?

20 A. I thought that Ben was unwilling or unhappy with me to the point that he did not wish to work with me anymore.

Q. Did you think that he wanted to work with the doctor instead as coach?

25 A. I didn't think he wanted a coach.

Q. Did you have the impression that the doctor and Ben were becoming very close or closer than they ever had been before?

5 A. I wasn't clear on the situation. I asked Ben is there some objection to, you know, the standing? Is it that you want to work with the doctor? He said no. He said, my objection is with you. He made that clear. He felt that I hadn't phoned him in St. Kitts. I said Ben, I tried time and time again to make
10 arrangements to get you over here.

Q. I understand what Ben's complaint was in respect to your conduct from his observation, but in terms of what you saw when you saw Ben with the doctor in June of 1988, did you have the impression that the doctor
15 had taken over your role as a coach?

MR. SOOKRAM: The witness has already answered that question. I don't know why he is badgering the witness about Dr. Astaphan again. It is badgering. He has answered the question already.

20 THE COMMISSIONER: That is an overstatement, I think. He is pursuing the line of questioning.

MR. SOOKRAM: Which has already been covered.

25 THE COMMISSIONER: Well, I think you were

asked did you think that Mr. Johnson was now turning to Dr. Astaphan as his coach rather than you?

THE WITNESS: No, I didn't feel that he was turning to Dr. Astaphan as his coach.

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MR. FUTERMAN:

Q. How about his advisor?

A. I don't know whether indeed he was turning to him as his advisor. He was fulfilling the one function which was medical, and indeed, he had also carried out additional functions in terms of designing a rehabilitation program. I had considerable discussion with Dr. Astaphan at that time as to what, indeed, had been carried out during the period in St. Kitts. It was in my opinion satisfactory up to the point. However, I felt that Ben was not happy with me and didn't seem to want my input into what I felt was necessary. I tried to put forward the best plan of attack to bring him back as quickly as possible to be healthy in time for the Olympic games. Obviously this was a very important concern, and I was hopeful that he would listen. I offered him the information that I have and the experience that I have, but he is a man who can make up his own mind. He had to make the decision whether, in fact, he would follow my advice or not.

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Q. Was there any change in the relationship with the doctor and Ben when you saw him in June 1988?

A. I couldn't see any particular change.

5 Q. You did not? All right.

A. I saw him always in the friendliest terms with the doctor.

Q. You subsequently found out that Jack Scott had worked with Carl Lewis and you hit the roof.
10 Those were the words you used; is that correct?

A. Now you are jumping ahead of Sestriere which is a considerable period.

Q. Yes.

THE COMMISSIONER: Where are we now?

15 THE WITNESS: We are now in Sestriere which is the first month--

MR. FUTERMAN:

Q. What month is that?

A. That would be in August 1988.

20 Q. You found out at that time for the first time--

THE COMMISSIONER: Well, Mr. Scott was here--I don't mean to interrupt, but he was here in August I guess in Ottawa?

25 THE WITNESS: In Ottawa, yes. That's the

first time I had met him and the first time I learned of his--

THE COMMISSIONER: At that time you didn't know very much about Mr. Scott; is that what you said?

5 THE WITNESS: No, I didn't know.

THE COMMISSIONER: And now, Mr. Futerman, you are now directing your questions at what month?

MR. FUTERMAN: We are talking August.

10 THE WITNESS: We are still in August, a short period after the national championships, about five days later.

MR. FUTERMAN:

15 Q. Well, perhaps before we get there, now that we've mentioned the nationals in Ottawa, Jack Scott was there as well, and that's I guess the time that you found out he had been treating Ben in St. Kitts or was it earlier?

A. That was when I--

20 Q. Did you find out also that he had sold or given a certain kind of electronic stimulus machine to Ben?

A. He had given one, that's my understanding, yes.

25 Q. And did you also find out at that time

that Ben was using that machine at home?

A. Yes, I was.

Q. And did you also find out that Ben was finding it very helpful in terms of his treatment?

5 A. Yes, I was.

Q. And were you satisfied that that was the case?

A. Yes. In fact, he was using it and he was helping Mark with it as well. Mark McKoy had an
10 Achilles tendonitis and he found the machine very helpful as well.

Q. So that from your observation in any event, as far as you could determine, Jack Scott had done something positive for Ben Johnson?

15 A. He had brought this machine to him, yes, and Ben was basically treating himself. I didn't know whether, indeed, Jack Scott had treated Ben or not.

Q. But you found out that he had at least given him this machine which helped Ben treat himself?

20 A. That's correct.

Q. And you also knew of course that for a certain period of time, Jack Scott had been down in St. Kitts with Ben and treating him?

A. I assume so.

25 Q. Well, were you not told that?

A. He told--Dr. Scott told me that.

Q. So you knew that?

A. I assumed that that was correct.

Q. Oh, all right. Now, you then found out
5 that Jack Scott was also involved with Carl Lewis. He was
his therapist; is that correct?

A. That was the suggestion that he gave at
that time, yes.

Q. Was that the national or--

10 A. In Sestriere. That was the first we
heard of that.

Q. And were you concerned that Jack Scott
had ulterior motives for coming to St. Kitts?

15 A. I didn't really think about it in that
way, but I just wondered what was going on and it seemed
certainly that things were transpiring that I knew little
about.

Q. I thought I had the impression that you
suspected that Jack Scott was up to no good. Perhaps
20 that's my own interpretation of the evidence.

A. I didn't know what he was up to.

Q. But you were concerned?

A. Yes, I was concerned.

Q. All right. Would it be equally fair to
25 say that Jack Scott was only interested in helping Ben

from a professional point of view?

A. I really don't know.

Q. All right. Is it possible that's true?

A. Yes, certainly.

5 Q. Is it not also true that Waldemar would sometimes help athletes from other countries that might have been competitors of Ben from time to time when they had injuries?

A. Yes.

10 Q. So this is done all the time?

A. Yes, that's correct.

Q. All right.

A. However, I might point out once again that Waldemar had written his PhD. thesis on muscle
15 stimulation, was the world's leading authority in that field, and quite naturally, regardless of the qualities of the machine, I wanted it to be administered by Waldemar.

Q. I understand that preference. We are just talking about I thought a concern that you had about
20 Jack Scott treating Ben. A concern that perhaps because he was with Carl Lewis, that he might not be doing something that was in Ben's best interests. That isn't your evidence?

A. I didn't know what he was doing. I
25 simply was very surprised at the association and

involvement and surprised that, in fact, there was no disclosure of this information. I wasn't told this. I simply discovered this in Sestriere. I wasn't told this in Ottawa.

5 Q. You were upset that Ben or someone else hadn't told you that Jack Scott had been there in St. Kitts treating Ben?

A. That's not at all what I said.

MR. McMURTRY: That's not what he said.

10 A. In fact, I don't believe Jack Scott told Ben that he was involved with Carl Lewis. Not to my knowledge. Ben certainly never indicated that to me.

MR. FUTERMAN:

15 Q. All right. Were you concerned that Ben--are you saying that Ben did not know in St. Kitts that Jack Scott was involved with Carl Lewis?

20 A. He never mentioned it to me. And it was a shock to us. Dr. Astaphan didn't know, Larry didn't know and I didn't know. Waldemar didn't know.

Q. In any event, Ben never complained about Jack Scott's treatment. He trusted him, he trusted his treatment?

25 A. I don't know. I don't know what treatments he did. I never found out.

Q. You never asked?

A. I asked what treatments Ben was doing and Ben showed me on the machine. When I first came back to Toronto, I went to Ben's house, saw the machine for the first time, didn't know its origins. He just said he had been given this machine. I assumed it was from the manufacturer. It was quite useful and he said it had given him--it had helped relax the muscles and so forth, he found it very useful for treating his calf muscles and so on. I didn't know that there was any physiotherapist involved, so of course I didn't particularly ask any questions about it. I think you can understand that once we got back to Toronto, once Waldemar was treating him again, then regardless of what had transpired before, we were where we were and now I wanted to assess the conditions as I found them. I couldn't change the past, I simply wanted to move ahead in the best way I could.

Q. When you got to Seoul, when was the first time you realized that Jack Scott worked for Carl Lewis? Was this in Sestriere?

A. In Sestriere, yes.

Q. All right. Did you say anything to Ben about that at that time? Did you tell Ben? Did you ask Ben?

A. In what regards?

Q. Did you ask Ben what Jack Scott had been doing in St. Kitts with him once you found out that Carl Lewis worked with--

THE COMMISSIONER: We are back now in Sestriere?

THE WITNESS: No, he is talking about in Korea?

MR. FUTERMAN:

Q. No, at any times. Once you found out that Jack Scott - I guess this would be in August - worked with Carl Lewis, did you go to Ben and say, Ben, we just found out that Jack Scott worked with Carl Lewis? What was he doing with you in St. Kitts?

A. I didn't ask him too much about it, no.

Q. You weren't concerned?

A. Well, I didn't know what his motivations were, but in fact, whatever had transpired, whether I agreed with it or not, was done. I simply had to move forward and deal with Ben in the condition I found him. Once again, we had a situation where the doctor would be there and Waldemar would be there and I would be there. I had to move forward. I couldn't go back and rehash anything.

Q. You said earlier that Ben of course had

this hamstring injury that became a hamstring tear. When you saw Ben in June, how was that injury at that time?

A. When I saw him in Padova?

Q. Yes.

5 A. I felt that it had healed quite effectively. He was still lacking in flexibility, as I have mentioned, but his fitness was very high, and he had obviously been working very hard in St. Kitts. Dr. Astaphan went through the protocol he had used with him
10 and it appeared that the results had been most satisfactory.

Q. All right. And did he complain to you at any time after you saw him in June up until September that the tendon was bothering him or a tendon was
15 bothering him below the knee?

A. Yes, he did.

Q. And can you tell me what part of his leg was bothering him and when you first heard about it?

A. Well, there is a tendon running up from
20 the calf into the knee joint.

Q. And was it fair to say it was his heel, the Achilles heel tendon?

A. No, that was a separate problem he had. He had experimental shoes that had pressed against the
25 attachment of the Achilles tendon which irritated it at a

later date. The initial difficulty, tendon soreness, I was first made aware of in Cesanitico subsequent to the Sestriere race.

Q. This would be in August?

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A. Yes, in August.

Q. Did you consider this to be a serious problem or an insignificant problem?

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A. I didn't believe that it was a serious problem, but of course Waldemar and the doctor were keeping a very close watch on it, and we were asking him at all times if, indeed, he felt he wanted to run on it or not.

Q. Do you know whether Dr. Astaphan was treating the injury in any way with any injections?

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THE COMMISSIONER: What period of time--where are we now?

MR. FUTERMAN: We are now I gather sometime in August of 1988.

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THE WITNESS: Yes, in Cesanitico at the Canadian Duel Meet.

MR. FUTERMAN:

Q. Did the doctor give that injury any treatment?

25

A. Yes, he was examining him on a regular

basis. There were anti-inflammatory creams applied. I am not aware if at that time--

THE COMMISSIONER: This is August '88 now?

5 MR. FUTERMAN: That's correct, sir.

Q. Did he give that injury any injections, to your knowledge?

A. At that time I don't believe so.

10 Q. Did that injury clear up before you arrived at Seoul?

A. It cleared up for a while. He had a slight inflammation in that area for a few days in Tokyo in Narita at the training camp, but subsequent to that, he had no further problems.

15 Q. So that as far as you know, the injury to his tendon below his knee, which I think stretched up from just above the Achilles heel up to just below the knee?

20 A. You are talking about two different injuries here. You are talking about two different situations. You are talking about a tendon going up into the knee joint and the bursa around the Achilles tendon by his heel which was inflamed by him rubbing on the shoes.

25 Q. So are we dealing then with three different areas--

A. Two different areas.

Q. First the hamstring?

A. No, the hamstring had not bothered him subsequently.

5 Q. Okay, that had cleared up completely.
So now we are dealing with a tendon around the calf area?

A. Yes.

Q. And some kind of irritation in the heel area?

10 A. That's right.

Q. Would that be a good way of describing it?

A. That's correct.

15 Q. All right. Did either or both of these injuries clear up prior to Seoul?

A. The Achilles area on his heel was bothering him in Seoul. The tendon going into his knee was not.

20 Q. To your knowledge, was that looked at by anybody?

A. Yes, it was.

Q. Such as Dr. Astaphan?

A. Yes, it was.

25 Q. Do you know if Dr. Astaphan treated that injury in any way?

A. Yes, he did.

Q. In what way did he treat the injury to the heel?

5 A. He placed depo-medral in the bursa around the Achilles I believe on two occasions.

Q. And just so those of us who are not familiar with that term understands what it is, what exactly is that medication?

A. That's a cortical steroid.

10 Q. And was that rubbed in or was that injected?

A. That was injected.

Q. And to your knowledge, how often or how many times was his heel injected by that steroid?

15 A. I believe twice.

Q. Twice?

A. Yes.

Q. And as a result of those injections, did that problem clear up?

20 A. Until the final of the 100 metres, yes. After the final he was feeling it again somewhat and Waldemar was, in fact, treating him with electronic muscle stimulation subsequent to the final of the 100 metres.

25 Q. As far as you know, by the time he ran the races leading up to the finals, that problem was no

longer one that anyone was concerned about? It had gone away, the heel?

A. I believe that he gave him an injection a couple of days before the first heats because it was still sore.

Q. Did you ask Ben if it was sore at the time of the race?

A. Yes.

Q. It was sore?

A. It was sore between the time of the semi and the final, but he said it wouldn't bother him for the race.

Q. All right.

MR. FUTERMAN: I have about an hour still, Mr. Commissioner. Would this be a--

THE COMMISSIONER: Would you prefer to do that tomorrow morning than today?

MR. FUTERMAN: I would, sir.

THE COMMISSIONER: All right we are going to finish this witness tomorrow by 11 o'clock?

MR. FUTERMAN: Yes, I think well before the recess.

THE COMMISSIONER: Fine. All right, we will adjourn until tomorrow morning at 10 o'clock so we can let Mr. Francis go back to his work. Thank you.

---Whereupon the hearing adjourned until Friday, March
10th, 1989, at 10:00 a.m.

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